

OFFICE OF LEGISLATIVE LEGAL SERVICES

COLORADO GENERAL ASSEMBLY

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Statutory Revision Committee

August 17, 2016

State Capitol, HCR 0112, 9:00am-11:30am

1. Call to order and introductory remarks (*Representative Moreno, temporary chair*)
2. Election of chair and vice-chair
3. Comments from committee members (*optional*)
4. Overview of Statutory Revision Committee (SRC) (*LLS Staff*)
 - a. Introduction of staff members assisting SRC
 - b. Update on COLS meeting to select nonvoting SRC members
 - c. Briefing on materials provided in meeting packet
 - d. Publicizing the SRC (update on efforts to date, direction from Committee as to any other methods)
 - e. Proposed process for handling bill ideas
 - f. Statutory charge
5. Bill ideas (*LLS Staff*)
 - a. SB16-146 fix (*Jane Ritter*)
 - b. Relocation of Commission on Family Medicine organic statutes (part 9 of article 1 of title 25, C.R.S.) (*Kate Meyer*)
 - c. Repeal of obsolete reapportionment laws (parts 1 and 2 of article 2 of title 2, C.R.S.) (*Kate Meyer*)
 - d. Repeal of obsolete redistricting law (section 2-1-101, C.R.S.) (*Kate Meyer*)
 - e. Repeal of section 40-2-123 (2) (k), C.R.S., anomaly (*Kris Forrestal*)
6. Obsolete Report Database presentation (*Susan Liddle, Legislative Council Staff*)
7. Other business?
8. Public testimony
9. Adjourn

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Issues Overview and Summary

August 17, 2016

A. SRC Tracking No. 2016.003: Fix relocated but not repealed sections from Senate Bill 16-146 to eliminate redundant and duplicative statutory sections of law.

Section 2 of Senate Bill 16-146 addressed part 14 of article 4 of title 25, C.R.S. An incorrect technical amending clause did not repeal the entire part 14 prior to amending and relocating several provisions within that part and relocating the substance of other sections to a different part in article 4 of title 25, C.R.S. This resulted in a number of redundant and duplicative statutory sections that were neither repealed nor formally relocated. **SEE Memorandum A.**

B. SRC Tracking No. 2016.005: Relocate the organic statutes for the Commission on Family Medicine (Commission) to title 25.5, C.R.S., to bring the law of the state into harmony with modern conditions.

The Commission was initially created in the Department of Health in title 25, C.R.S. However, the Commission was subsequently moved to the Department of Health Care Policy and Financing (HCPF), which administers laws found in title 25.5, C.R.S. Relocating the Commission's organic statutes to title 25.5, C.R.S., would bring the law into harmony with modern conditions. **SEE Memorandum B.**

C. SRC Tracking No. 2016.011: Repeal statutory sections of law that describe outdated General Assembly district descriptions and related obsolete laws.

Prior to the creation of the Colorado Reapportionment Commission (Commission) by a voter-approved constitutional amendment in 1974, the General Assembly determined, by law, the boundaries of the state Senate and House of Representatives districts. After those powers were granted to the Commission, numerous antiquated and obsolete portions of law remained on the books and should be repealed to bring state law into harmony with modern conditions. **SEE Memorandum C.**

D. SRC Tracking No. 2016.001: Repeal § 2-1-101 (1), C.R.S., an obsolete subsection of law that no longer accurately reflects the state's Congressional boundaries.

Section 2-1-101 (1), C.R.S., was held unconstitutional by the state Supreme Court in 2003. Furthermore, it is void by virtue of not being based on the most current federal Census results. Therefore, § 2-1-101 (1), C.R.S., is an antiquated rule of law and repealing that subsection is necessary to bring state law into harmony with modern conditions. **SEE Memorandum D.**

E. SRC Tracking No. 2016.004: Repeal § 40-2-123 (2) (k), which authorizes an appropriation of money from the clean energy development fund, but no such fund or statutory reference exists. Repealing the portion of law that refers to this nonexistent fund would remove a defect in the current law. **SEE Memorandum E.**

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MEMORANDUM A¹

TO: Statutory Revision Committee

FROM: Jane Ritter, Office of Legislative Legal Services

DATE: August 10, 2016

SUBJECT: Repealing sections of part 14 of article 4 of title 25, C.R.S., that, due to an incorrect technical amending clause, erroneously remained in statute after the enactment of Senate Bill 16-146.

Summary

The issue was brought to the attention of the Office of Legislative Legal Services (OLLS) and the bill sponsor, Senator Steadman, during the OLLS post-session publication process for the 2017 Colorado Revised Statutes. Section 2 of Senate Bill 16-146 addressed part 14 of article 4 of title 25, C.R.S. (Part 14). An incorrect technical amending clause amended and relocated several provisions of that part but did not repeal the entire part first, thus leaving intact redundant statutory sections that were neither repealed nor relocated.

Analysis

Prior to the passage of Senate Bill 16-146, Part 14 contained §§ 25-4-1401 through 25-4-1415. Senate Bill 16-146, effective July 1, 2016, relocated with amendments §§ 25-4-1401 through 25-4-1409 to various sections in part 4 of article 4 of title 25, C.R.S. Sections 25-4-1411 through 25-4-1415 were relocated

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

and renumbered, with only minor technical, non-substantive amendments, as 25-4-1401 through 25-4-1405, respectively.²

However, the amending clause used for section 2 of the bill did not repeal the entire Part 14 prior to the relocation of certain sections within the part.³

As a result, the published 2017 C.R.S. will contain two versions of Part 14: the version enacted through Senate Bill 16-146, as well as the version of §§ 25-4-1401 through 25-4-1409 that existed prior to the enactment of Senate Bill 16-146 on July 1, 2016. Both versions will contain an editor's note explaining the distinction.⁴ However, the C.R.S. text is duplicative for the provisions that were relocated, with amendments, to various sections in part 4 of article 4 of title 25.

Statutory Charge⁵

Legislation to address the redundant statutory provisions of Part 14 inadvertently created through section 2 of Senate Bill 16-146 falls within the Committee's charge, as it eliminates redundant or contradictory rules of law.

² See section 2 of Senate Bill 16-146, attached as **Addendum A**.

³ The amending clause for section 2 of Senate Bill 16-146 reads "In Colorado Revised Statutes, **amend with amended and relocated provisions** part 14 of article 4 of title 25 as follows:".

⁴ The editor's note that will appear in the published 2017 C.R.S. for part 14 of article 4 of title 25, C.R.S., reads "SB 16-146 amended this part 14 in 2016, resulting in the relocation of §§ 25-4-1411 to 25-4-1415 to §§ 25-4-1401 to 25-4-1405, respectively, effective July 1, 2016. However, due to an oversight, the act did not repeal part 14 as it existed prior to July 1, 2016. Due to this oversight, the version of part 14 as it existed in 2015 is printed below." Additionally, in the version that existed prior to July 1, 2016, each section will contain a bracketed provision as follows: "***Editor's note: This section was neither relocated nor repealed in SB 16-146. It is printed as it existed in 2015. For more information, see the editor's note following the part heading.***".

⁵ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions". Section 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." Section 2-3-902 (3), C.R.S.

Proposed Bill

If the Committee authorizes OLLS to prepare a bill draft to fix this section of law, the draft bill would repeal those sections of Part 14, as they existed prior to July 1, 2016, that were neither repealed nor relocated by Senate Bill 16-146.

ADDENDUM A

SECTION 2. In Colorado Revised Statutes, **amend with amended and relocated provisions** part 14 of article 4 of title 25 as follows:

PART 14

HIV TREATMENT & PREVENTION RESOURCES

25-4-1401. [Formerly 25-4-1411] Drug assistance program - program fund - created - legislative declaration - no entitlement created. (1) (a) The general assembly recognizes that:

(I) Medical science is making strides in treating individuals who have AIDS or HIV;

(II) There are effective biomedical strategies to reduce new HIV infections;

(III) Individuals at risk of HIV may also be at risk of other infectious diseases that can exacerbate the outcomes of an HIV infection;

(IV) Individuals of lower income face barriers accessing biomedical interventions, particularly if they lack health insurance coverage or if their health insurance includes unaffordable premiums or cost-sharing requirements; and

(V) Both the public health and quality of life would benefit from providing assistance with such costs and encouraging prompt and sustained treatment, eventually preventing further transmission of HIV, viral hepatitis, and sexually transmitted infections through prevention, cure, or viral suppression.

(b) Therefore, the general assembly declares that the purpose of this section is to implement the drug assistance program for qualifying individuals of lower income who have medical or preventative needs concerning AIDS or HIV, viral hepatitis, or a sexually transmitted infection.

(c) Nothing in this section shall be construed to establish any entitlement to services from the department of public health and environment.

(2) (a) Subject to available appropriations, the department of public health and environment is authorized to implement and administer a drug assistance program, referred to in this section as the "state program", to provide assistance with indicated screening, general medical, preventative, and pharmaceutical costs for eligible individuals.

(b) The general assembly may annually appropriate moneys from the general fund to assist with indicated screening, general medical, preventative, and pharmaceutical costs for individuals participating in the state program.

(c) The state program is also funded with federal funds available under the federal "Ryan White C.A.R.E. Act of 1990", as amended.

(d) Any moneys received in excess of a federal price agreement are a donation.

(e) For activities of the state program funded by the drug assistance program fund that exceed the appropriation from the drug assistance program fund, if there are sufficient uncommitted moneys in the AIDS and HIV prevention fund, the program may use moneys appropriated for the implementation and administration of the state program from the AIDS and HIV prevention fund as authorized by section ~~25-4-1415~~ (4) 25-4-1405.

(3) To be eligible to participate in the state program, an individual must:

(a) Have a medical indication for treatment or prevention of HIV or AIDS, viral hepatitis, or another sexually transmitted infection;

~~(b) (Deleted by amendment, L. 2001, p. 332, § 1, effective July 1, 2001.)~~

~~(e) (b)~~ Have a prescription from an authorized provider for a pharmaceutical product or combination of pharmaceutical products, as applicable, that are included on the drug formulary for the state program; and

~~(d) (c)~~ Meet income eligibility requirements as determined by the department of public health and environment in consultation with the subcommittee of the advisory group on AIDS policy established in subsection ~~(4) (5)~~ of this section.

~~(3.5) (4)~~ Notwithstanding any other provision of this part 14 to the contrary, if a person meets the eligibility requirements set forth in subsection (3) of this section, he or she ~~shall be~~ is eligible for programs and services that provide for the investigation, identification, testing, preventive care, or treatment of HIV infection or AIDS regardless of his or her race, religion, gender, ethnicity, national origin, or immigration status.

~~(4) (5)~~ A subcommittee of an advisory group convened by the governor to make recommendations for HIV and AIDS policy in the state shall serve in an advisory role to the department of public health and environment in implementing the state program and shall provide advice and recommendations to the department of public health and environment concerning:

(a) Which pharmaceutical products should be listed on the drug formulary for the state program;

(b) Income and other eligibility requirements for the state program; and

(c) The uses of funding for the state program pursuant to paragraphs (a) to (e) of subsection (2) of this section.

~~(5)~~ (6) If at any time the department of public health and environment, in consultation with the subcommittee of the advisory group on HIV and AIDS policy established in subsection ~~(4)~~ (5) of this section, determines that the drug assistance program is reaching the program's fiscal limitations, the department, in consultation with the subcommittee, shall implement a policy of giving preference to the highest-priority applicants of lower income, who otherwise meet the eligibility requirements in subsection (3) of this section, for enrollment into the program in the following rank order:

(a) Individuals diagnosed with HIV or AIDS;

(b) Individuals in need of treatment to prevent HIV infection;

(c) Individuals diagnosed with other sexually transmitted infections that can be prevented or cured through currently available pharmaceutical treatments;

(d) Individuals diagnosed with viral hepatitis;

(e) Individuals with emerging care, treatment, or prevention needs concerning HIV, viral hepatitis, or other sexually transmitted infections.

~~(6)~~(a) (7) (a) The drug assistance program fund is created in the state treasury. The principal of the fund consists of tobacco litigation settlement moneys transferred by the state treasurer to the fund pursuant to section 24-75-1104.5 (1) (j), C.R.S. Subject to annual appropriation by the general assembly, the department of public health and environment may expend moneys from the fund for the state program. Any unexpended or unencumbered money remaining in the fund at the end of any fiscal year commencing on or after July 1, 2014, remains in the fund and shall not be credited or transferred to the general fund or any other fund.

(b) The department of public health and environment and the advisory group shall determine how the moneys appropriated for the state program pursuant to this subsection ~~(6)~~ (7) are to be used.

25-4-1402. [Formerly 25-4-1412] Definitions. As used in this section and sections ~~25-4-1413 to 25-4-1415~~ 25-4-1403 TO 25-4-1405, unless the context otherwise requires:

(1) "Program" means the Colorado HIV and AIDS prevention grant program created in section ~~25-4-1413~~ 25-4-1403.

(2) "State board" means the state board of health created in section 25-1-103.

25-4-1403. [Formerly 25-4-1413] Colorado HIV and AIDS prevention grant program. (1) There is hereby created in the department the Colorado HIV and AIDS prevention grant program to address local community needs in the areas of medically accurate HIV and AIDS prevention and education through a competitive grant process. The department shall administer the program.

(2) Grant applicants ~~shall~~ MUST be nonprofit organizations that are governed by a board of directors, have the benefit of tax-exempt status pursuant to section 501 (c) (3) of the federal "Internal Revenue Code of 1986" or are county, district, or municipal public health agencies.

(3) (a) Preference shall be given to grant applicants that have as one of their primary purposes HIV and AIDS prevention and education.

(b) Grants may be given to organizations that conduct HIV prevention in conjunction with other comorbidities secondary to HIV infections.

(4) Grant applications ~~shall~~ MUST include, but need not be limited to:

(a) A statement of the local HIV and AIDS prevention or education issue to be addressed, a description of the constituency that shall be served or targeted, and how the constituency will benefit;

(b) A description of the goals and objectives of the grant applicant in submitting an application under the program; and

(c) A description of the activities planned to accomplish the goals and objectives of the grant applicant and of the outcome measures that will be used by the grant applicant.

(5) Grants ~~shall~~ MUST only be given for medically accurate HIV and AIDS prevention and education programs that are based in behavioral and social science theory and research and shall not be used to contribute to existing scholarships, directly to endowments, fund-raising events, annual fund drives, or debt reduction.

25-4-1404. [Formerly 25-4-1414] Grant program - rules -conflict of interest.

(1) (a) The program shall fund medically accurate HIV and AIDS prevention and education programs through a competitive grant process that ~~shall be~~ IS overseen by the HIV and AIDS prevention grant program advisory committee, which is hereby created and referred to in this section as the "advisory committee". The advisory

committee ~~shall consist~~ CONSISTS of seven members appointed by the executive director of the department as follows:

~~(I) (Deleted by amendment, L. 2009, (SB 09-179), ch. 112, p. 474, § 17, effective April 9, 2009.)~~

~~(II)~~ (I) One member who is recommended by the department's minority health advisory commission;

~~(III)~~ (II) Four members who are recommended by a statewide collaborative group that assists the department in the department's comprehensive plan for HIV and AIDS prevention;

~~(IV)~~ (III) One member who has expertise in HIV and AIDS prevention and education; and

~~(V)~~ (IV) One member who represents a clinic that receives moneys under part 3 of the federal "Ryan White C.A.R.E. Act of 1990", as amended.

(b) The composition of the advisory committee shall reflect, to the extent practical, Colorado's ethnic, racial, and geographic diversity.

(c) The grants administered pursuant to section ~~25-4-1413~~ 25-4-1403 ~~shall~~ ARE only be subject to the restrictions provided for in this section and section ~~25-4-1413~~ 25-4-1403 and ~~shall~~ ARE not be subject to the same restrictions as grants provided with federal moneys for HIV and AIDS prevention. The state board, upon recommendations of the advisory committee, shall adopt rules that specify, but need not be limited to, the following:

(I) The procedures and timelines by which an entity may apply for program grants;

(II) Grant application contents, in addition to those specified in section ~~25-4-1413~~ ~~(3)~~ 25-4-1403 (3);

(III) Criteria for selecting the entities that ~~shall~~ receive grants and determining the amount and duration of the grants;

(IV) Reporting requirements for entities that receive grants pursuant to this section; and

(V) The qualifications of an adequate proposal.

(2) The advisory committee shall review the applications received pursuant to this section and submit to the state board and the executive director of the department recommended grant recipients, recommended grant amounts, and the duration of each recommended grant. In making recommendations for grants, the advisory committee

shall consider the distribution of federal funds in the areas of HIV and AIDS prevention, education, and treatment. Within thirty days after receiving the advisory committee's recommendations, the executive director shall submit his or her recommendations to the state board. The state board ~~shall have~~ HAS the final authority to approve the grants administered under this section and section ~~25-4-1413~~ 25-4-1403. If the state board disapproves a recommendation for a grant recipient, the advisory committee may submit a replacement recommendation within thirty days after disapproval. In making grant recommendations, the advisory committee shall follow the purpose of the program as outlined in section ~~25-4-1413~~ 25-4-1403. The state board shall award grants to the entities selected by the advisory committee, specifying the amount and duration of each grant award. In reviewing and approving grant applications, the advisory committee and the state board shall ensure that grants are distributed statewide and address the needs of both urban and rural residents of Colorado.

(3) If a member of the advisory committee has an immediate personal, private, or financial interest in any matter pending before the advisory committee, the member shall disclose the fact and shall not vote upon the matter.

25-4-1405. [Formerly 25-4-1415] AIDS and HIV prevention fund - administration - limitation. (1) There is hereby created in the state treasury the AIDS and HIV prevention fund, referred to in this section as the "fund", which consists of moneys that may be appropriated to the fund by the general assembly. The moneys in the fund are subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of the program. Any moneys in the fund not expended for the purpose of the program may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund ~~shall~~ MUST be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year ~~shall~~ remain in the fund and shall not be credited or transferred to the general fund or another fund.

(2) Pursuant to section 24-75-1104.5 (1) (m), C.R.S., and except as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning in the 2006-07 fiscal year and in each fiscal year thereafter so long as the state receives moneys pursuant to the master settlement agreement, the state treasurer shall annually transfer to the fund two percent, not to exceed two million dollars in any fiscal year, of the total amount of the moneys received by the state pursuant to the master settlement agreement, not including attorney fees and costs, during the preceding fiscal year. The state treasurer shall transfer the amount specified in this subsection (2) from moneys credited to the tobacco litigation settlement cash fund created in section 24-22-115, C.R.S.

(3) The department may receive up to five percent of the moneys annually appropriated by the general assembly to the department from the fund created in subsection (1) of this section for the actual costs incurred in administering the program.

~~(4) Repealed.~~

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MEMORANDUM B¹

TO: Statutory Revision Committee

FROM: Kate Meyer, Office of Legislative Legal Services

DATE: August 10, 2016

SUBJECT: Commission on Family Medicine created in part 9 of article 1 of title 25, C.R.S.

Summary

The Commission on Family Medicine (Commission) is created under part 9 of article 1 of title 25, C.R.S. However, the Commission is organized within the Department of Health Care Policy and Financing (HCPF), which is created (and administers laws), in title 25.5, C.R.S.

This matter was brought to staff's attention from the Office of Legislative Legal Services' Publications Team.

Analysis

Article 25 of the C.R.S. generally concerns the Department of Public Health and Environment (CDPHE). Article 25.5 of the C.R.S. (the "State Health Care Policy and Financing Act"²) principally contains laws applying to HCPF.

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² § 25.5-1-101, C.R.S.

The Commission, an advisory body organized under HCPF, is created under title 25, a C.R.S. placement that has remained unaltered since its inception in 1977.³ At the time of its creation, no overseeing agency or other organizational information was specified, but two years later, Senate Bill 79-353 clarified that the Commission was located in the Department of Health, making the Commission's original placement within title 25 suitable.⁴

25-1-902. Commission created - composition - terms of office. (1) There is hereby created, IN THE DEPARTMENT OF HEALTH, the advisory commission on family medicine, referred to in this part 9 as the "commission". ...

In 2013, Senate Bill 13-010⁵ reorganized the Commission under HCPF. The reorganization was accomplished by amending § 25-1-902 (1), rather than repealing and relocating part 9 of article 1 of title 25.

25-1-902. Commission created - composition - terms of office. (1) There is hereby created, in the department of health CARE POLICY AND FINANCING, the commission on family medicine, referred to in this part 9 as the "commission". ...

Statutory Charge⁶

Relocating the Commission's organic statutes to a more suitable location within title 25.5, C.R.S., bring the law of this state into harmony with modern conditions.

³ Senate Bill 77-341.

⁴ In 1993, House Bill 93-1317 comprehensively addressed the delivery and finance of public health administration in the state. Although that bill renamed the "Department of Health" the "Department of Public Health and Environment", no conforming amendment was made to § 25-1-902 (1), C.R.S.

⁵ Senate Bill 13-010's primary purpose was the addition of the deans of all medical schools in Colorado to the Commission.

⁶ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions". Section 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." Section 2-3-902 (3), C.R.S.

Proposed Bill

If the Statutory Revision Committee desires the Office of Legislative Legal Services to prepare a bill draft that addresses the relocation, such legislation could simply repeal and relocate the current part 9 to a more appropriate location within title 25.5

While no potential issues are foreseen with the move to title 25.5, C.R.S., staff will consult with HCPF and CDPHE to confirm that those affected departments concur with staff's relocation recommendation.

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MEMORANDUM C¹

TO: Statutory Revision Committee

FROM: Kate Meyer, Office of Legislative Legal Services

DATE: August 10, 2016

SUBJECT: Repeal of obsolete laws pertaining to state senatorial and representative districts (Parts 1 and 2 of title 2, C.R.S.)

Summary

Formerly, the Colorado General Assembly determined the boundaries of state Senate and House of Representative districts. Despite being divested of this power upon creation of the Colorado Reapportionment Commission (Reapportionment Commission), numerous obsolete laws pertaining to such districts (as they existed in the 1970s) remain on the books.

This issue came to the attention of the Office of Legislative Legal Services' staff during its annual prepublication review of title 2, C.R.S.

Analysis

In 1974, Colorado voters adopted a constitutional amendment² to create a Reapportionment Commission for the purpose of drawing state Senate and House of

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² Amendment 9 was titled "An act to amend Article V of the Constitution of the State of Colorado, concerning the reapportioning of legislative districts by a body to be known as the Colorado Reapportionment Commission which shall consist of eleven electors, four of whom shall be appointed

Representatives districts. Prior to adoption of that amendment, the General Assembly had the power to determine such districts. Vestiges of that authority remain on the books today, despite being completely obsolete or redundant with other law: part 1 of article 2 of title 2, C.R.S., which concerns senate districts;³ and part 2 of article 2 of title 2, C.R.S., which concerns representative districts.⁴ Specifically:

- Sections 2-2-101 and 2-2-201, C.R.S., recite the number of senators and representatives, respectively, that comprise each chamber of the General Assembly. This information is contained in section 45 of article V of the state constitution.
- Sections 2-2-102 and 2-2-202, C.R.S., list lengthy descriptions (by county and Census tract) of state Senate and House district boundaries that are no longer accurate.
- Section 2-2-103, C.R.S., sets forth the quadrennial timing of state Senate elections beginning in 1972 and 1974. Since its inception, the Reapportionment Commission designates state Senate district election timing in the approved reapportionment plan it files with the Secretary of State in accordance with section 48 (1) (e) of article V of the state constitution. Section 2-2-503, C.R.S., recognizes that duty of the Reapportionment Commission and has replaced § 2-2-103.
- Section 2-2-104, C.R.S., repeats provisions pertaining to holdover senators contained in § 2-2-504, C.R.S.
- Sections 2-2-105 and 2-2-203, C.R.S., contain legislative declarations explaining the General Assembly's reasoning for drawing the state Senate and House districts as reflected in §§ 2-2-102 and 2-2-202, C.R.S.
- Sections 2-2-106 and 2-2-204, C.R.S., describe procedures for attaching or detaching portions of state Senate and House districts, respectively, when inadvertent omissions are discovered or annexations occur.
- Sections 2-2-107 and 2-2-205, C.R.S., require the legislative council staff to file with the secretary of state Census maps and population statistics for the state Senate and House, respectively. These laws have been supplanted by § 2-2-505, C.R.S., enacted following creation of the Reapportionment Commission.
- Section 2-2-206 is a severability statute that operates to keep intact the representative districts not found to violate state or constitutional law. As the

by the legislative department, three by the executive department, and four by the judicial department of the State, and adding new requirements to be considered in the creation of legislative districts."

³ Part 1 is reproduced in its entirety as **Addendum A** to this memorandum (see page 4, *infra*).

⁴ Part 2 is reproduced in its entirety as **Addendum B** to this memorandum (see page 23, *infra*).

districts to which this provision pertains are no longer current, this provision is superfluous.

- Sections 2-2-108 and 2-2-207, C.R.S., apply their respective parts to the forty-ninth⁵ and subsequent general assemblies; however, this applicability was rendered void by creation of the Reapportionment Commission.
- Section 2-2-208, C.R.S., contains revisions to House of Representatives districts located in the San Luis Valley that were necessary to bring those districts into compliance with the "Voting Rights Act"⁶ following *Sanchez v. State of Colorado*.⁷ Those districts, as amended in this section, are no longer current.

Most of parts 1 and 2 have not been amended since the early 1970s (i.e., the time that the General Assembly last drew district boundaries). These laws are plainly obsolete and potentially confusing for readers of the C.R.S.

Statutory Charge⁸

Repealing the erstwhile House and Senate district statutes would eliminate antiquated and redundant laws and bring the C.R.S. into harmony with modern conditions.

Proposed Bill

If the Statutory Revision Committee desires the Office of Legislative Legal Services to prepare a bill draft removing the outdated General Assembly district descriptions and related obsolete laws, such bill could simply repeal parts 1 and 2 of article 2 of title 2, C.R.S.

⁵ The first regular session of the 49th General Assembly occurred in 1973.

⁶ 52 U.S.C. §10301 (formerly 42 U.S.C. §1973).

⁷ 97 F.3d 1303 (10th Cir. 1996) (cert. denied May 19, 1997).

⁸ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions". Section 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." Section 2-3-902 (3), C.R.S.

ADDENDUM A

COLORADO REVISED STATUTES

TITLE 2. LEGISLATIVE

GENERAL ASSEMBLY

ARTICLE 2. GENERAL ASSEMBLY

PART 1. SENATORIAL DISTRICTS - APPORTIONMENT

2-2-101. Number of members of general assembly - election from districts.

(1) The senate of the general assembly shall consist of thirty-five members and the house of representatives thereof shall consist of sixty-five members, with one member of the senate to be elected from each senatorial district and one member of the house of representatives to be elected from each representative district, as established in this part 1.

(2) The definition of areas to be included in each senatorial and representative district is by reference to counties and to official census tracts, census divisions, census block groups, census blocks, and enumeration districts created by the United States bureau of the census to which fixed population counts have been assigned as of the year 1970.

2-2-102. Senatorial districts - number - composition. The senatorial districts are defined as follows:

(1) **District 1:** Census tracts numbered 1.01, 1.02, 3.01, 3.02, 3.03, 5.00, 6.00, 7.01, 7.02, 97.00, 104.01, 106.01, and 115.00 in the city and county of Denver; that part of census tract number 2.01 in the city and county of Denver which is not contained in district 2; census block groups numbered 4 and 5 in census tract number 2.02 in the city and county of Denver; census block groups numbered 3 and 4 and census blocks numbered 105, 106, 115, 201, 214, and 215 in census tract number 4.01 in the city and county of Denver; census block groups numbered 5, 6, and 7 and census blocks numbered 104, 105, 106, 107, 114, 115, 201, 202, 209, 210, 211, and 212 in census tract number 4.02 in the city and county of Denver; those parts of census tracts numbered 8 and 9.01 in the city and county of Denver which are not contained in district 4; that part of census tract number 97.50 which is in the city and county of Denver, being a part of census block number 210; and census block group number 3 and census blocks numbered 901, 908, and 909 in census tract number 97.50, which block group and blocks are in Adams county.

(2) **District 2:** Census tracts numbered 11.01, 11.02, 15.00, 16.00, 17.01, 17.02, 24.01, 24.02, 25.00, 26.01, 26.02, 89.02, and 95.03 in the city and county of Denver; census block groups numbered 1, 2, and 3 and census blocks numbered 402, 414, 501, and 514 in census tract number 2.01 in the city and county of Denver; those parts of census tracts numbered 2.02, 4.01, and 4.02 in the city and county of Denver which are not contained in district 1; that part of census tract number 15.50 which is in the city and county of Denver, being a part of census block number 901; census block group number 1 in census tract number 18.00 in the city and county of Denver; census block groups numbered 1, 2, 3, 4, and 7 in census tract number 19.00 in the city and county of Denver; census block groups numbered 1 and 2 and census blocks numbered 301, 302, 303, 304, and 305 in census tract number 20 in the city and county of Denver; those parts of census tracts numbered 23, 31.01, 31.02, 35.00, and 36.01 in the city and county of Denver which are not contained in district 3; that part of census tract number 27.01 in the city and county of Denver which is not contained in district 5; and that part of census tract number 89.52 which is in the city and county of Denver, being a part of census block number 101.

(3) **District 3:** Census tracts numbered 36.02, 36.03, 37.01, 41.01, 41.02, 41.03, 41.04, 42.01, and 42.02 in the city and county of Denver; census block groups numbered 1, 2, and 3 and census blocks numbered 401, 402, 403, 406, 407, 408, 409, 410, 411, 501, 502, 503, 504, 505, 506, 509, 510, 511, 601, 602, 603, 604, 605, and 606 in census tract number 23 in the city and county of Denver; census block groups numbered 1 and 2 in census tract number 31.01 in the city and county of Denver; census block groups numbered 1 and 2 and census blocks numbered 301, 302, 406, and 407 in census tract number 31.02 in the city and county of Denver; census block groups numbered 1, 2, 3, 4, 5, and 8 and census blocks numbered 712, 713, 714, 715, 716, 732, 733, and 734 in census tract number 35.00 in the city and county of Denver; and census block groups numbered 2 and 3 in census tract number 36.01 in the city and county of Denver.

(4) **District 4:** Census tracts numbered 9.02, 9.03, 10.00, 13.01, 13.02, 21.00, 45.01, and 45.02 in the city and county of Denver; census blocks numbered 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 401, 402, 405, 406, 407, 408, 409, 410, 411, 412, and 413 in census tract number 8.00 in the city and county of Denver; census block groups numbered 2, 3, 4, and 6 and census blocks numbered 501, 502, 503, 504, 505, 506, 507, and 508 in census tract number 9.01 in the city and county of Denver; those parts of census tracts numbered 18.00, 19.00, and 20.00 in the city and county of Denver which are not contained in district 2; census block group number 4 and census blocks numbered 303, 304, and 309 in census tract number 27.02 in the city and county of Denver; census blocks numbered 305, 307, 309, 314, 315, 316, and 318 in census tract number 28.01 in the city and county of Denver; census blocks numbered 101,

103, 104, 106, 107, 108, 109, and 114 in census tract number 28.02 in the city and county of Denver; census blocks numbered 103, 104, 105, 106, 107, 108, 109, 110, and 206 in census tract number 29.01 in the city and county of Denver; and census block groups numbered 6 and 7 and census blocks numbered 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 203, 204, 205, 206, 207, 208, and 209 in census tract number 46.01 in the city and county of Denver.

(5) **District 5:** Census tracts numbered 27.03, 32.01, 32.02, 33.00, 37.02, 37.03, 43.01, 43.02, and 43.04 in the city and county of Denver; census blocks numbered 201, 202, 205, 206, 301, and 302 in census tract number 27.01 in the city and county of Denver; that part of census tract number 27.02 in the city and county of Denver which is not contained in district 4; census block group number 1 and census blocks numbered 201, 202, 203, 204, 205, 206, 303, 304, 310, 311, 312, and 313 in census tract number 28.01 in the city and county of Denver; census blocks numbered 701, 702, 703, 704, 705, 706, 707, 708, 709, 711, 712, 713, 714, 715, and 716 in census tract number 44.01 in the city and county of Denver; and those parts of census tracts numbered 32.03, 38.00, 43.03, and 43.05 in the city and county of Denver which are not contained in district 6.

(6) **District 6:** Census tracts numbered 28.03, 29.02, 34.00, 39.01, 39.02, 49.00, 50.00, and 70.01 in the city and county of Denver; that part of census tract number 28.01 in the city and county of Denver which is not contained in districts 4 and 5; those parts of census tracts numbered 28.02 and 29.01 in the city and county of Denver which are not contained in district 4; census block groups numbered 1 and 3 and census blocks numbered 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 217, 218, 219, 220, 221, 222, 401, 402, 403, 407, 408, 409, and 410 in census tract number 30.01 in the city and county of Denver; census block group number 2 and census blocks numbered 113, 114, 115, 116, 117, 118, and 119 in census tract number 32.03 in the city and county of Denver; census block groups numbered 2 and 3 and census blocks numbered 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, and 526 in census tract number 38.00 in the city and county of Denver; census block groups numbered 3 and 4 and census blocks numbered 214, 215, 216, 217, 218, 501, 502, 503, 504, 505, 506, 507, and 508 in census tract number 43.03 in the city and county of Denver; census block group number 3 and census blocks numbered 207, 208, 209, 210, 211, and 212 in census tract number 43.05 in the city and county of Denver; census block groups numbered 1 and 2 in census tract number 51.01 in the city and county of Denver; census block groups numbered 1 and 2 in census tract number 51.02 in the city and county of Denver; census block group number 1 in census tract number 52.00 in the city and county of Denver; that part of census tract number 70.51 which is in the city and county of Denver, being a part of

census block number 114; census tract number 49.50 which includes area in Arapahoe county and the city and county of Denver; that part of census tract number 51.51 which is in Arapahoe county and is not contained in district 7; and census blocks numbered 102, 103, 104, 105, 106, 107, 108, 109, and 110 in census tract number 30.03 in the city and county of Denver.

(7) **District 7:** Census tracts numbered 30.04, 30.05, 40.01, 40.02, 40.03, 40.04, 53.00, 67.01, 68.01, 68.02, 68.03, 68.04, 69.01, 69.02, 70.02, and 70.06 in the city and county of Denver; census block group number 8 and census blocks numbered 702, 703, 704, 705, 706, 707, 710, 711, and 712 in census tract number 30.01 in the city and county of Denver; census blocks numbered 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, and 206 in census tract number 30.02 in the city and county of Denver; those parts of census tracts numbered 30.03, 51.01, 51.02, and 52.00 in the city and county of Denver which are not contained in district 6; that part of census tract number 68.52 which is in the city and county of Denver, being a part of census block number 901; that part of census tract number 68.53 which is in the city and county of Denver, being census block number 902; that part of census tract number 70.52 which is in the city and county of Denver, being a part of census block number 115; that part of census tract number 70.56 which is in the city and county of Denver, being parts of census blocks numbered 903 and 905; census tracts numbered 53.50 and 69.51 which include area in Arapahoe county and the city and county of Denver; that part of census block number 301 in census tract number 67.51 which includes area in Arapahoe county and the city and county of Denver and is bounded on the west by Quebec street, on the south by Belleview avenue, and on the northeast by the right-of-way of Interstate highway 25; census block number 903 in census tract number 68.54, which block is in the city and county of Denver; census blocks numbered 906 and 907 in census tract number 68.54, which blocks include area in Arapahoe county and the city and county of Denver; that part of census tract number 51.51 which is in the city and county of Denver; and census tract number 69.52 in Arapahoe county.

(8) **District 8:** Census tracts numbered 14.01, 14.02, 14.03, 46.02, 46.03, 47.00, 48.01, 48.02, 54.01, 54.02, 55.01, 55.02, 55.03, 56.01, 119.01, 119.02, 119.03, and 120.01 in the city and county of Denver; that part of census tract number 30.01 in the city and county of Denver which is not contained in districts 6 and 7; that part of census tract number 30.02 in the city and county of Denver which is not contained in district 7; that part of census tract number 46.01 in the city and county of Denver which is not contained in district 4; that part of census tract number 55.51 which is in the city and county of Denver, being census block number 216; that part of census tract number 119.53 which is in the city and county of Denver, being census block number 101 and a part of census block number 105; that part of census tract number

120.02 which is in the city and county of Denver and is within five hundred feet of the southern boundary of the right-of-way of west Quincy avenue; that part of census tract number 120.51 which is in the city and county of Denver, being census block number 901 and a part of census block number 902; census block number 103 in census tract number 119.52 in Jefferson county; census tract number 54.03 in Arapahoe county; and census block number 101 in census tract number 48.52 in Arapahoe county.

(9) **District 9:** Census tracts numbered 10, 11.02, 12, 13.01, 13.02, 14, 16, 17, 24, 34, 35, 36, 37.01, 37.02, 38, 39.01, and 39.02 in El Paso county; those parts of census tracts numbered 15, 22, and 23 in El Paso county which are not contained in district 12; census blocks numbered 304, 306, 307, 308, 309, 311, and 312 in census tract number 11.01 in El Paso county; and that part of census tract number 9 in El Paso county which is not contained in district 11.

(10) **District 10:** Census tracts numbered 21.02, 40.01, 40.02, 40.03, 40.04, 41, 42, 43, 45.01, 45.02, 45.03, and 46 in El Paso county; census block group number 1 except census blocks numbered 101, 102, and 104 in census tract number 1 in El Paso county; that part of census tract number 20 in El Paso county which is not contained in district 11; and that part of census tract number 21.01 in El Paso county which is not contained in district 11.

(11) **District 11:** Census tracts numbered 2, 3.01, 3.02, 4, 5, 6, 7, 8, 18, 19, 27, and 28 in El Paso county; that part of census tract number 1 in El Paso county which is not contained in district 10; census block group number 1 and census blocks numbered 204, 311, 312, 313, 314, 315, 316, and 317 in census tract number 9 in El Paso county; that part of census tract number 11.01 in El Paso county which is not contained in district 9; census block groups numbered 1 and 2 and census blocks numbered 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, and 325 in census tract number 21.01 in El Paso county; census block groups numbered 2 and 3 and census blocks numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 132 in census tract number 20 in El Paso county; and census blocks numbered 101, 201, 608, and 710 in census tract number 29 in El Paso county.

(12) **District 12:** Census tracts numbered 25, 26, 30, 31, 32, 33.01, 33.02, and 44 in El Paso county; census blocks numbered 211 and 212 in census tract number 15 in El Paso county; census block group number 3 and census blocks numbered 205, 206, 207, 208, 209, 210, 211, 212, 401, 402, and 403 in census tract number 22 in El Paso county; enumeration districts numbered 189 and 190 and census block number 413 in census tract number 23 in El Paso county; that part of census tract number 29 in El Paso county which is not contained in district 11; that part of Fremont county which is

not contained in district 33; enumeration district number 16 in census tract number 29.02 in Pueblo county; and enumeration districts 6, 7, 8, and 9 in Teller county.

(13) **District 13:** Census tracts numbered 112, 116, 117.01, 117.02, 117.03, 117.04, 117.06, 117.07, 118.01, 118.02, 119.51, 120.03, 120.04, and 120.05 in Jefferson county; that part of census tract number 119.53 which is in Jefferson county and is not contained in district 8; that part of census tract number 120.02 in Jefferson county and the city and county of Denver which is not contained in district 8; enumeration district number 29 in census tract number 120.09 in Jefferson county; that part of census tract number 119.52 in Jefferson county which is not contained in district 8; and that part of census tract number 120.51 which is in Jefferson county and is not contained in district 8.

(14) **District 14:** Census tracts numbered 105.02, 106.02, 106.51, 107, 110, 111, 113, 114, and 115.50 in Jefferson county; census block group number 2 and census blocks numbered 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 316, 317, 318, 319, and 326 in census tract number 104.02 in Jefferson county; census block group number 1 and census blocks numbered 201, 202, 203, 204, 205, 206, 207, 208, 209, and 210 in census tract number 104.03 in Jefferson county; census block groups numbered 2 and 3 in census tract number 105.01 in Jefferson county; census block groups numbered 1 and 2 in census tract number 108 in Jefferson county; census block groups numbered 1 and 2 and census blocks numbered 301, 303, and 304 in census tract number 109 in Jefferson county; census blocks numbered 205, 206, 207, 208, and 209 in census tract number 104.51 in Jefferson county.

(15) **District 15:** The counties of Clear Creek and Park; that part of Teller county which is not contained in district 12; enumeration districts numbered 8 and 9 in Douglas county; census tracts numbered 98.06, 98.07, 98.09, 98.10, 99, 100, 101, 117.05, 120.06, 120.07, and 120.08 in Jefferson county; census block group number 1 in census tract number 98.08 in Jefferson county; census blocks numbered 908, 909, 910, and 911 in census tract number 103.02 in Jefferson county; that part of census tract number 120.09 in Jefferson county which is not contained in district 13; those parts of census tracts numbered 98.04 and 98.05 in Jefferson county which are not contained in district 16; those parts of census tracts numbered 104.03, 105.01, 108, and 109 in Jefferson county which are not contained in district 14; and that part of census tract number 104.02 in Jefferson county which is not contained in districts 14 and 16.

(16) **District 16:** The county of Gilpin; census tracts numbered 127.04 and 131.02 in Boulder county; that part of census tract number 125.05 in Boulder county which is not contained in district 23; enumeration district number 304, census block group number 4, and census blocks numbered 314, 315, 316, 317, 318, 319, 320, 321, and 322 in census tract number 125.04 in Boulder county; enumeration district number 311

and census blocks numbered 110, 111, 113, 114, 115, and 116 in census tract number 125.06 in Boulder county; that part of census tract number 137 in Boulder county which is not contained in district 24; census tracts numbered 98.01, 98.02, 98.03, 102.01, 102.02, and 103.01 in Jefferson county; census blocks numbered 908, 909, and 910 in census tract number 98.04 in Jefferson county; census blocks numbered 101, 102, 103, 104, 105, 106, 107, 905, 906, and 907 in census tract number 98.05 in Jefferson county; those parts of census tracts numbered 98.08 and 103.02 in Jefferson county which are not contained in district 15; census block group number 1 and census blocks numbered 315, 320, 321, 322, 323, 324, and 325 in census tract number 104.02 in Jefferson county; and that part of census tract number 104.51 in Jefferson county which is not contained in district 14.

(17) **District 17:** Census tracts numbered 78, 79, 80, 81, 83.02, 83.03, 84, 85.03, 85.04, 86.01, 86.02, 93.05, 94.01, and 94.02 in Adams county; enumeration district number 129 in census tract number 91 in Adams county; census block group number 7 in census tract number 96.01 in Adams county; that part of census tract number 85.02 in Adams county which is not contained in district 18; enumeration districts numbered 122 and 125 in census tract number 85.01 in Adams county; that part of census tract number 83.51 in Adams county which is not contained in district 19; census block group number 1 and census blocks numbered 201, 202, and 203 in census tract number 82 in Adams county; that part of census tract number 87.01 which is in Adams county and is not contained in district 19; that part of census block number 904 in census tract number 93.03 in Adams county which is north of 96th avenue; census block groups numbered 2 and 3 and census blocks numbered 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, and 116 in census tract number 93.04 in Adams county; and that part of census block number 101 in census tract number 93.04 in Adams county which is north of Fred drive and a line extending easterly from the eastern terminus of Fred drive to 96th avenue.

(18) **District 18:** Census tracts numbered 90, 92, 93.01, 93.02, and 95.01 in Adams county; those parts of census tracts numbered 85.01 and 91 in Adams county which are not contained in district 17; those parts of census tracts numbered 93.03 and 93.04 in Adams county which are not contained in district 17; and census block groups numbered 1, 2, 3, and 5 and census blocks numbered 402, 404, 405, 406, and 407 in census tract number 85.02 in Adams county.

(19) **District 19:** Census tracts numbered 87.02, 87.03, 88.01, 88.02, 89.01, 95.02, 95.53, and 96.02 in Adams county; census tract number 41.55 which includes area in Adams county and the city and county of Denver; that part of census tract number 87.01 which includes area in Adams county and the city and county of Denver and which is west of D street; those parts of census tracts numbered 15.50 and 89.52 which

are in Adams county and are not contained in district 2; census tracts numbered 41.05 and 83.01 in the city and county of Denver; that part of census tract number 97.50 which is in Adams county and is not contained in district 1; those parts of census tracts numbered 82 and 96.01 in Adams county which are not contained in district 17; and census block number 901 in census tract number 83.51 in Adams county.

(20) **District 20:** Census tracts numbered 40.52, 55.52, 56.04, 56.05, 57.00, 58.00, 59.00, 60.00, 61.00, 62.00, 63.00, and 64.00 in Arapahoe county; that part of census tract number 48.52 in Arapahoe county which is not contained in district 8; those parts of census tracts numbered 55.53, 66.01, and 67.02 in Arapahoe county which are not contained in district 22; that part of census tract number 55.51 which is in Arapahoe county and is not contained in district 8; and that part of census tract number 67.51 which is in Arapahoe county and is not contained in district 7.

(21) **District 21:** Census tracts numbered 44.52, 52.50, 68.51, 68.52, 70.03, 70.04, 70.05, 70.10, 70.51, 72.00, 74.00, 75.00, 76.00, 77.01, 77.02, and 73.00 in Arapahoe county; census block group number 1 and census blocks numbered 905, 906, 907, and 908 in census tract number 70.11 in Arapahoe county; census tract number 44.02 in the city and county of Denver; that part of census tract number 44.01 in the city and county of Denver which is not contained in district 5; that part of census tract number 70.07 in Arapahoe county which is not contained in district 22; and those parts of census tracts numbered 70.52 and 70.56 which are in Arapahoe county and are not contained in district 7.

(22) **District 22:** The counties of Crowley, Elbert, and Lincoln; that part of Douglas county not contained in district 15; census tracts numbered 56.02, 56.03, 56.06, 56.51, 65.00, 66.02, 67.03, 68.05, 68.06, 68.53, 70.08, 70.09, and 71.00 in Arapahoe county; census blocks numbered 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, and 216 in census tract number 55.53 in Arapahoe county; census block group number 2 in census tract number 66.01 in Arapahoe county; census block groups numbered 1 and 2 and census blocks numbered 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, and 315 in census tract number 67.02 in Arapahoe county; that part of census tract number 68.54 which is in Arapahoe county and is not contained in district 7; census blocks numbered 109, 115, and 116 in census tract number 70.07 in Arapahoe county; and that part of census tract number 70.11 in Arapahoe county which is not contained in district 21.

(23) **District 23:** Census tracts numbered 121.02, 121.03, 122.03, 125.01, 125.02, 125.03, 126.02, 127.01, 127.02, 127.03, 128.00, 129.00, 130.00, and 131.01 in Boulder county; census blocks numbered 101, 104, 105, 110, 111, 114, 115, 116, 117, and 118 in census tract number 122.01 in Boulder county; census block groups numbered 1, 2, and 3 in census tract number 125.05 in Boulder county; that part of census tract

number 126.01 in Boulder county which is not contained in district 24; those parts of census tracts numbered 125.04 and 125.06 in Boulder county which are not contained in district 16; and census blocks numbered 110 and 111 in census tract number 122.02 in Boulder county.

(24) **District 24:** Census tracts numbered 121.01, 121.04, 123.00, 124.01, 124.02, 132.01, 132.02, 132.03, 132.04, 132.05, 133.01, 133.02, 134.00, 135.00, 136.01, and 136.02 in Boulder county; those parts of census tracts numbered 122.01 and 122.02 in Boulder county which are not contained in district 23; census blocks numbered 206, 207, 208, 212, and 223 in census tract number 126.01 in Boulder county; and enumeration districts numbered 3, 4, 7, 8, 9, 10, 11, 12, 13, and 312 in census tract number 137.00 in Boulder county.

(25) **District 25:** Census tracts numbered 1, 2, 3, 4, 5, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 26, 27, 28.01, 28.02, and 29.01 in Pueblo county; census block group number 1 and census blocks numbered 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, and 214 in census tract number 25 in Pueblo county; that part of census tract number 28.03 which is not contained in district 26; and census block groups numbered 1, 2, and 9 and census enumeration district number 17 in census tract number 29.02 in Pueblo county.

(26) **District 26:** The counties of Costilla and Huerfano; census tracts numbered 8, 9.01, 9.02, 9.03, 10, 11, 12, 21, 22, 23, 24, 28.04, 30.01, 30.02, 31.01, 31.02, 32, 33, and 34 in Pueblo county; that part of census tract number 25 in Pueblo county which is not contained in district 25; and enumeration districts numbered 31 and 112 in census tract number 28.03 in Pueblo county.

(27) **District 27:** Census tracts numbered 3, 4, 5, 6, 11, 12, 14, 17, 18, 19, 20, 21, and 22 in Larimer county; those parts of census tracts numbered 2 and 15 in Larimer county which are not contained in district 29; and enumeration district number 91 and census blocks numbered 906, 907, 908, 909, 910, 911, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, and 935 in census tract number 13 in Larimer county.

(28) **District 28:** Census tracts numbered 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 17, 18, 20, and 21 in Weld county; enumeration district number 37 and census blocks numbered 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, and 126 in census tract number 6 in Weld county; and those parts of census tracts numbered 7, 14, and 19 in Weld county which are not contained in district 29.

(29) **District 29:** Census tracts numbered 1, 7, 8, 9, 10, and 16 in Larimer county; census block groups numbered 1 and 2 in census tract number 2 in Larimer county;

census block groups numbered 1 and 2 and census blocks numbered 901, 902, 903, 904, 905, 912, 913, 914, 915, and 916 in census tract number 13 in Larimer county; enumeration districts numbered 105, 106, and 107 in census tract number 15 in Larimer county; census tracts numbered 15, 16, 22, 23, 24, and 25 in Weld county; census blocks numbered 101, 102, and 104 in census tract number 7 in Weld county; enumeration district number 46A in census tract number 14 in Weld county; enumeration districts numbered 112, 113, 114, 114B, and 115 in census tract number 19 in Weld county; that part of census tract number 6 in Weld county which is not contained in district 28; and enumeration districts numbered 12, 13, 14, 15, 16, 17, 18, 23, 25, 26, and 27 in Morgan county.

(30) **District 30:** The county of Mesa; and enumeration districts numbered 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 in Delta county.

(31) **District 31:** The counties of Eagle, Garfield, Grand, Jackson, Lake, Moffat, Pitkin, Rio Blanco, Routt, and Summit.

(32) **District 32:** The counties of Dolores, La Plata, Ouray, Montrose, Montezuma, San Juan, and San Miguel; and that part of Delta county not contained in district 30.

(33) **District 33:** The counties of Archuleta, Alamosa, Chaffee, Conejos, Custer, Gunnison, Hinsdale, Mineral, Rio Grande, and Saguache; and enumeration districts numbered 2, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, and 30 in Fremont county.

(34) **District 34:** The counties of Baca, Bent, Las Animas, Otero, and Prowers.

(35) **District 35:** The counties of Cheyenne, Kiowa, Kit Carson, Logan, Phillips, Sedgwick, Washington, and Yuma; and that part of Morgan county which is not contained in district 29.

2-2-103. Election of senators. (1) Senators from the following senatorial districts shall be elected at the general election held in November, 1972, and every four years thereafter: 3, 4, 5, 7, 10, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 29, and 31.

(2) Senators from the following senatorial districts shall be elected at the general election held in November, 1974, and every four years thereafter: 1, 2, 6, 8, 9, 11, 13, 15, 18, 26, 27, 28, 30, 32, 33, 34, and 35.

2-2-104. Holdover senators keep office - vacancies. Nothing in this part 1 shall be construed to cause the removal of any senator from his office for the term for which he was elected, but each such senator shall serve the term for which he was elected. In the event of a vacancy in the senate, such vacancy shall be filled as provided by law.

2-2-105. Legislative declaration - findings of legislative fact. (1) The general assembly declares it to be necessary to meet the equal population requirements of section 46 of article V of the state constitution, and it has therefore been necessary, in some instances, to add part of one county to all or part of another county in forming senatorial districts under this part 1.

(2) The general assembly further declares that some senatorial districts are not comprised of areas whose boundaries are equidistant from the geographic center of the respective areas, but that variations therefrom were necessitated by population density and distribution, boundaries of enumeration districts and other identifiable census units of area, natural boundaries, and county lines in order to define senatorial districts having population as nearly equal as may be.

(3) Pursuant to the requirements of section 47 of article V of the state constitution, the senatorial districts established by this part 1 are based upon the following factors: (1) Equal population; (2) a minimum split of counties; and (3) compactness based upon geographic areas whose boundaries are as nearly equidistant from a center as possible, limited by variances caused by the shape of county boundary lines, census enumeration lines, natural boundaries, population density, and the need to retain compactness of adjacent districts.

Colorado's population as established by the 1970 federal census is 2,209,528. An average senatorial district is 63,129. The maximum deviation in excess of this average for a senatorial district as provided by this part 1 is 0.83 percent, while the smallest district is only 0.66 percent below average.

Of those fifty-four counties with populations smaller than that of the average senatorial district, only seven counties were split or thirteen percent of the total of such counties. For the nine densely populated counties, it is not possible to create a senatorial district which includes all the territory in any one of these counties and meet the constitutional requirements for equality of population; accordingly, more than one senatorial district is found within the confines of each of these counties.

Moreover, the compactness of each individual district not only depends upon natural boundaries, the irregular size and shape of census districts, and county lines, but must be related to the overall approach used in developing districts of approximately equal population. (The term "census districts" is used in this subsection (3) to include official census tracts, enumeration districts, block groups, or blocks, as applicable.)

METROPOLITAN DENVER AREA DISTRICTS

Denver has a surplus of population of over 9,700 after computing eight senatorial districts. Since Adams county is in need of 3,600 population to achieve three senate seats, an exchange of areas was made between these two counties, as explained in districts 1, 2, and 3. When the population of enclaves of Arapahoe county within the city and county of Denver (4,404) is added to the population of Denver, it is obvious that some areas of Denver must be added to predominantly Arapahoe county districts to maintain equal population.

District 19. District 19 begins with the census districts in northeast Denver which were excluded from district 3. Working northward and westward into Adams county from these areas, extremely large and sparsely populated census districts are encountered. In order to achieve equal population, contiguous areas in Commerce City and southern Westminster were chosen to comprise the bulk of the population in district 19.

Districts 17 and 18. District 18 is composed of those parts of the remaining population centers in Adams county - the communities of Northglenn, Thornton, Sherrelwood, Welby, and Federal Heights - which are necessary to achieve sufficient population for the district. District 18's irregular southeastern boundary, which is also a portion of the northern boundary of district 19, is formed by the South Platte river. District 17 consists of the remainder of Adams county. The wide variations in the distribution of population in this remaining area and the limitations placed upon its shape by district boundaries already drawn determine the shape of district 17.

Districts 1, 2, and 3. Three giant blocks are formed for districts across north Denver. Only 5,563 persons, located in an area northeast of Stapleton Field which cannot be split and which is surrounded on three sides by Adams county, are excluded from the districts in north Denver and included in a predominantly Adams county district. To achieve equal population for district 1, a small portion of Adams county has been added. The dividing line between districts 1 and 2 is the South Platte river in the southern portion and Zuni street in the northern portion. Between districts 2 and 3, the dividing line is Franklin street in the southern portion and York street in the northern portion. The location and size of census block number 501 in census tract number 23 causes some irregularity in the Franklin street line.

District 4. District 4 forms nearly a perfect square. Some irregularity is required by equal population requirements.

Districts 5 and 6. These two districts in Denver form a giant square between districts 3 and 7. The dense population in the western end of district 5 (Capitol Hill) results in this district containing the smallest geographical area in the Denver area. Lowry Field (census tract number 44.02), to the east of district 5, was added to

Arapahoe county for three reasons: The tract cannot be split because interior population counts are not available; the addition is essential for purposes of equal population; and, moreover, the addition improves the compactness of districts 5 and 6. Districts 5 and 6 are divided by 1st and 4th avenues. The only significant variation from perfect compactness in district 6 is census tract number 70.01, whose population of 2,640 is needed to meet the requirements of equal population.

Districts 7 and 8. The balance of Denver divides into two districts - districts 7 and 8 - with the addition of census tract number 54.03 from Arapahoe county, which juts northward into district 8 and has been added to this district for purposes of equal population and compactness. The shape of the county will affect the compactness of the district formed in this area with respect to the south, east, and most of the west borders. The Valley highway was utilized as a natural boundary in the northwest portion of the district, with the northern boundary working eastward along block boundaries and the western boundary southward along Clarkson street. Variations from perfectly straight boundaries occur because of equal population requirements and the Children's Home area (which cannot be split). The Arapahoe enclave of Holly Hills is included in district 7.

District 20. On the southern border of Denver, district 20 is formed, incorporating the communities of Englewood, Cherry Hills, and Greenwood Village. In spite of large vacant areas in census tract number 56.05 and sparsely populated areas in the eastern portion of the district generally, its eastern and southern boundaries are relatively straight, and the western boundary (following the county line) is also relatively straight.

District 21. District 21 is formed by the inclusion of Lowry Field in an Arapahoe district extending southward from the Arapahoe county portion of Aurora. The eastern boundary is a line following census district boundaries as directly south as possible. The remaining boundaries of the district are determined either by Denver districts or by census district boundaries.

DISTRICTS IN REMAINDER OF STATE

District 31. The other starting point in developing the plan under this part 1 and in developing virtually every other proposed plan for the senate was district 31. District 31 is located in northwestern Colorado and is composed of ten undivided counties. The population of this district is 63,328, only 0.32 percent over the ideal senate district, and it is nearly square in shape. This was chosen as a starting point, since its boundaries are identical to the current senate district 35.

The three additional senate seats to which western Colorado is entitled were developed by working southward from this district.

District 30. Mesa county has a population of 54,374. Since district 30's northern boundary is fixed by district 31, the additional 8,700 persons needed for population equality must be found in counties adjacent to the southeastern boundary of Mesa county. The selection of a portion of Delta county provides the most compact district arrangement. The shape of the census districts in Delta county will create a jagged line along the eastern portion of district 30, regardless of which districts are selected. Examination of the map reveals that those enumeration districts selected yield the most compact senatorial district.

District 32. District 32 lies directly south of district 30. District 32's eastern boundary is a nearly direct north-south line formed by an extension of the Delta county line directly south. No additional counties are split in the formation of this district. If district 32 had been formed by proceeding in an easterly or southeasterly direction, the district would have become elongated and substantially less compact, or would have had to be expanded to the Front Range area to achieve equal population.

District 33. District 33 is formed by proceeding directly east of district 32. Again, whole counties are utilized, with the exception of Fremont county, as the basis for the establishment of the district. Approximately 6,900 additional persons were needed from adjacent areas to the east or northeast of the whole counties included in district 33. The choice made - to include a part of Fremont county in this district - had the advantages of crossing only one county line and of leaving the remainder of Fremont county in a position to be easily combined with an area in El Paso county which required additional persons to achieve equal population in a district there.

Because of the peculiar shapes of census districts and their widely varying populations, and due to the presence of one enumeration district composed of noncontiguous areas, no other reasonable division of Canon City could be made. Block statistics are not available for Canon City, and, accordingly, enumeration districts cannot be split since definite populations cannot be certified for portions of an enumeration district.

District 12. The remainder of Fremont county, four enumeration districts in the southern portion of Teller county, one enumeration district in Pueblo county containing the remaining portion of Fort Carson, and an area in southwest El Paso county following census district lines into Colorado Springs comprise this district. Again, irregularities in the shape of the district are caused by the shapes of the census districts which had to be combined to achieve equality of population. The district forms a nearly square configuration within these census areas.

The splitting of Teller county was required to equalize population for both this district and district 15, and the inclusion of this portion of Teller county makes district 12's boundaries as equidistant as possible from a geographic center.

District 15. District 15 is at the heart of the rapidly growing mountain subdivisions of the central Front Range. By extending the eastern Teller county line northward to include two census enumeration districts in Douglas county, the population of the district is equalized. The western and southern boundaries are formed by districts 12, 31, and 33. The district includes the whole counties of Park and Clear Creek and approximately 52,000 people from the southern and central portions of Jefferson county. The shape of the northeast tip of district 15 is determined by boundaries of the three remaining densely populated districts in Jefferson county which follow census district lines as required to achieve equal population.

District 14. District 14 is the most densely populated area of Jefferson county. The district approaches a square shape, except for the exclusion of census block number 101 in census tract number 105.01, which extends from Kipling avenue on the east to Youngfield avenue on the west. Since this block cannot be split, the district cannot be made a perfect square.

District 13. The Jefferson county line on the east and a long portion of 6th avenue on the north establish two of the boundaries for this district. Proceeding southwesterly to accumulate population for the district, large census districts with minimum populations are encountered. There are very few options available with regard to the census districts. For example, enumeration district number 422A in census tract number 117.06 covers a massive area and necessitates that the westerly portion of district 13 jut into district 15. If this westerly jutting were minimized by expanding district 13 into the southern portions of Jefferson county, a vertically elongated shape for district 13 would result.

District 16. District 16 is bounded on the west by district 31, on the south by the Gilpin county line, and on the east by the Jefferson county line. The irregular shape of the northern boundary is due to following those census district lines in Boulder county which were necessary to equalize population. Boulder county is one of the nine densely populated counties and has population in excess of that necessary for two ideal senate districts. For purposes of equal population, this surplus has been added to district 16. The addition also makes a more compact district within the limitations imposed by census district lines. The southern border of district 16 is almost a straight line along west 52nd avenue from the eastern Jefferson county boundary to McIntyre avenue. From McIntyre to the western Jefferson county line, the census district boundaries determine the shape of the district.

Districts 23 and 24. In general, district 23 includes the densely populated territory in the east of Boulder county just north of district 16. The area included would extend in a broad belt from the city of Boulder east to the county line. Due to equal population requirements, it was necessary to include census districts in the southern and southeastern parts of the city of Boulder in district 23. District 24 includes all of the remainder of Boulder county extending northwest out of the city of Boulder. Both districts 23 and 24 are wholly within the confines of Boulder county.

District 27. Working northward, the western boundary of district 27 in Larimer county is fixed by district 31. All of Larimer county is included within the district with the exception of an eastern portion containing 26,843 people, located in an area extending eastward from Fort Collins to the Weld county line. The choice of this portion of Larimer county for combination with area in another county was made because the other census districts in the area were so sparsely populated, and the inclusion of them would make district 29 less compact.

Districts 28 and 29. Together with the balance of Larimer county, district 29 encompasses all of Weld county, with the exception of those parts of the city of Greeley and the heavily populated portions of southwest Weld county which compose district 28. A perfectly compact district 28 was not possible because of equal population requirements. For example, district 28 would have been a perfect square, if all of census tract number 19 could have been included in the district. Unfortunately, the inclusion of this additional area would have increased the population of the district over that of the ideal senate district by over 5,000 people. To straighten the line actually drawn would require a major split of the city of Greeley. Finally, in order to achieve equal population, an additional 10,358 people were included from Morgan county in district 29. The line dividing Morgan county north and south is dictated by the census district boundaries.

District 35. All of the northeastern plains of Colorado are included in district 35. Bordered on the north and the east by Nebraska and Kansas, and on the west by district 29, the district must extend south for necessary population. To make the district more square could be accomplished only by a bulge westerly at a point south of the Weld county line. Since Adams county is 3,600 short of the population necessary for three senatorial districts, further depletion of that population was not desirable.

District 34. The five counties of Otero, Bent, Prowers, Baca, and Las Animas form a logical block for a senatorial district, although the block has an excess population of approximately 1,500. Since district 35 was short of population, adjustment was made by detaching a part of Prowers county from district 34 and attaching it to district 35. Again, census district lines determine the shape of this adjustment, and populations of such districts determine where it can be made.

District 22. The area of Arapahoe county which is not included in districts 20 and 21 is placed in district 22. District 22's boundaries follow county lines in all instances except where they conform to the other Arapahoe districts. In order to accumulate sufficient population, the district extends southward through Douglas county, picking up that portion not contained in district 15, and includes all of Elbert, Lincoln, and Crowley counties. An extension of the district into El Paso county rather than southeasterly would have necessitated the crossing of additional county lines, and would have reduced the population available in El Paso county below that needed for the three remaining senatorial seats (district 12 already includes the southwestern portion of El Paso county).

Districts 9, 10, and 11. El Paso county presents a problem for districting, since the area of Colorado Springs and Manitou Springs is densely populated and the remainder of the county is predominantly rural. Accordingly, a portion of the population in Colorado Springs must be allocated to districts in the outlying portions of the county to meet compactness and equal population requirements. The main district dividing line is a natural boundary, Interstate 25, which runs directly north and south. In the north, Interstate 25 divides district 9 from the centrally located district 11. In the south, Interstate 25 again is a divider, but this time between districts 10 and 12. Academy boulevard, another four-lane highway, also divides district 11 from districts 9 and 10 in the northeast portions of Colorado Springs. For district 11 in the southeast, Circle drive is the major dividing line.

Some variations in these major boundaries are due to requirements of equal population. Problems are also posed by the irregular shapes of census districts. For example, census block number 317 in census tract number 10 extends from west Van Buren to Uintah preventing an east-west crossing of the tract. Census block number 311 in census tract number 11.01 poses a similar problem. Numerous other examples exist, such as census tracts numbered 2, 24, and 28, which hamper the development of perfectly straight lines in the formation of districts.

Districts 25 and 26. Two major barriers are utilized in splitting the city of Pueblo - the natural boundaries of Fountain creek and the Arkansas river in the northern portion of the city, and Interstate 25 in the south. A significant part of the city, west of Interstate 25, is added to district 26 for purposes of population equality. Pueblo county is approximately 8,000 people short of the population necessary for two senatorial districts, but, when it is combined with the other areas of the state not yet included in any district (the whole counties of Costilla and Huerfano), there is sufficient population for the two districts which close the plan for the entire state.

2-2-106. Attachments and detachments. (1) If any area of this state is omitted from the provisions of this part 1, inadvertently or by virtue of the complexities of the

information supplied to the general assembly, the secretary of state, upon discovery of such omission, shall attach such area to the appropriate senatorial or representative district as follows:

(a) If the area is surrounded by a senatorial or representative district, the area shall be attached to such district.

(b) If the area is contiguous to two or more senatorial or representative districts, the area shall be attached to the district that has the least population according to the last preceding national census of the United States bureau of the census.

(2) If any area of this state is included in two or more senatorial or representative districts established by this part 1, inadvertently or by virtue of the complexities of the information supplied to the general assembly, the secretary of state, upon discovery of such inclusion, shall detach such area from the senatorial or representative district or districts having the largest population and shall designate such area as being included in the senatorial or representative district having the least population; except that if such area is wholly surrounded by a senatorial or representative district and by inadvertence is also included in another senatorial or representative district, the secretary of state shall designate such area as included in the district wholly surrounding such area, regardless of population.

(3) If any annexation occurring on or after May 1, 1972, changes a county boundary which constitutes any portion of the boundary of a senatorial district defined by this part 1, and if the population of the area annexed is one hundred seventy persons or less according to the 1970 federal census, the secretary of state shall detach the area annexed from the senatorial district in which it is included pursuant to this part 1 and shall attach such area to the adjacent senatorial district in the county to which the area was annexed; except that if such attachment would result in any area in one senatorial district being wholly surrounded by area in another senatorial district, no adjustment in senatorial district boundaries shall be made. If the area annexed is adjacent to two or more senatorial districts in the county to which it is annexed, the area shall be attached to the senatorial district having the least population. The area so attached shall also be attached to any general election precinct adjacent to such area in the county to which the area was annexed.

(4) If any annexation occurring on or after May 1, 1972, changes a county boundary which constitutes any portion of the boundary of a senatorial district defined by this part 1, and if the population of the annexed area is more than one hundred seventy persons according to the 1970 federal census, no adjustment in the boundaries of senatorial districts shall be made, but the area annexed shall constitute a separate general election precinct.

(5) Any attachment or detachment made pursuant to the provisions of subsections (1) to (4) of this section shall be certified in writing by and kept on file with the secretary of state. No change may be made in any such attachment or detachment until the senatorial or representative districts are again reapportioned.

2-2-107. Maps of legislative districts. The legislative council shall prepare and file with the secretary of state copies of census maps showing thereon each senatorial and representative district and showing the population of each district according to the official census lines, maps, and statistics as described in this part 1. The legislative council shall retain on file in its office copies of official census maps and population statistics.

2-2-108. Applicability of part 1. This part 1 applies to the forty-ninth and subsequent general assemblies.

ADDENDUM B

COLORADO REVISED STATUTES

TITLE 2. LEGISLATIVE

GENERAL ASSEMBLY

ARTICLE 2. GENERAL ASSEMBLY

PART 1. SENATORIAL DISTRICTS - APPORTIONMENT

2-2-201. Number of members of general assembly - election from districts. (1) The house of representatives of the general assembly shall consist of sixty-five members, with one member of the house of representatives to be elected from each representative district, as established in this part 2.

(2) The definition of areas to be included in each representative district is by reference to counties and to official census tracts, census divisions, census block groups, census blocks, and enumeration districts created by the United States bureau of the census to which fixed population counts have been assigned as of the year 1970.

2-2-202. Representative districts - number - composition. The representative districts are defined as follows:

(1) **District 1:** Census tracts numbered 47.00, 48.01, 55.02, 55.03, 56.01, 119.02, and 120.01 in the city and county of Denver; that part of census tract number 120.51 which is in the city and county of Denver, being census block number 901 and a part of census block number 902; those parts of census tracts numbered 46.03 and 48.02 in the city and county of Denver which are not contained in district 2; that part of census tract number 46.01 in the city and county of Denver which is not contained in district 3; that part of census tract number 46.02 in the city and county of Denver which is not contained in district 3; that part of census tract number 119.03 in the city and county of Denver which is not contained in district 28; census block number 101 in census tract number 119.53 which block is in the city and county of Denver; census block number 103 in census tract number 119.52 in Jefferson county; and that part of census tract number 120.02 which is in the city and county of Denver and is within five hundred feet of the southern boundary of the right-of-way of west Quincy avenue.

(2) **District 2:** Census tracts numbered 13.02, 14.01, 14.02, 14.03, 54.01, and 55.01 in the city and county of Denver; census block groups numbered 1, 2, and 3 and census blocks numbered 401, 402, 403, 404, 405, 406, 411, 412, 413, 414, 415, and 416 in census tract number 13.01 in the city and county of Denver; census blocks numbered 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, and 411 in census tract

number 21.00 in the city and county of Denver; that part of census block number 412 in census tract number 21.00 in the city and county of Denver which is south of Alameda avenue; census blocks numbered 103, 104, 105, 106, 107, 108, 109, 110, 204, 205, 206, 207, 208, 209, 304, 305, 306, 307, 308, 309, 310, 403, 408, 409, and 410 in census tract number 29.01 in the city and county of Denver; census block groups numbered 5 and 6 and census blocks numbered 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 404, 405, 406, 411, 412, 701, 708, and 709 in census tract number 30.01 in the city and county of Denver; census block groups numbered 3 and 4 and census block number 108 in census tract number 30.02 in the city and county of Denver; census blocks numbered 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, and 205 in census tract number 46.03 in the city and county of Denver; census block group number 1 in census tract number 48.02 in the city and county of Denver; census block groups numbered 1, 2, and 3 and census blocks numbered 401, 402, 403, 405, 406, 407, 408, and 412 in census tract number 54.02 in the city and county of Denver; that part of census tract number 55.51 which is in the city and county of Denver, being census block number 216; and census block number 101 in census tract number 48.52 in Arapahoe county.

(3) **District 3:** Census tracts numbered 9.02, 9.03, 45.01, and 45.02 in the city and county of Denver; census block groups numbered 1, 6, and 7 and census blocks numbered 203, 204, 205, 206, 207, 208, 209, 304, 305, 306, 307, 308, 309, 507, 508, 509, 510, 511, 512, 513, 514, 515, and 516 in census tract number 46.01 in the city and county of Denver; that part of census tract number 13.01 in the city and county of Denver which is not contained in district 2; that part of census tract number 10.00 in the city and county of Denver which is not contained in district 6; and census blocks numbered 101, 102, 103, 104, 105, 106, 107, 506, 507, 508, 509, and 510 in census tract number 46.02 in the city and county of Denver.

(4) **District 4:** Census tracts numbered 1.01, 1.02, 3.01, 3.02, 7.01, 104.01, 106.01, and 115.00 in the city and county of Denver; that part of census tract number 3.03 in the city and county of Denver which is not contained in district 9; census block groups numbered 4, 5, 6, 7, and 8 in census tract number 5 in the city and county of Denver; census blocks numbered 407, 506, and 507 in census tract number 7.02 in the city and county of Denver; and census blocks numbered 509, 510, 511, and 512 in census tract number 9.01 in the city and county of Denver.

(5) **District 5:** Census tracts numbered 6 and 8 in the city and county of Denver; that part of census tract number 4.02 in the city and county of Denver which is not contained in district 9; those parts of census tracts numbered 5, 7.02, and 9.01 in the city and county of Denver which are not contained in district 4; census block groups

numbered 1, 2, and 3 and census blocks numbered 401, 402, 409, 410, 411, and 412 in census tract number 11.02 in the city and county of Denver; census block group number 9 in census tract number 17.01 in the city and county of Denver; and census block groups numbered 1, 2, 3, and 7 in census tract number 19 in the city and county of Denver.

(6) **District 6:** Census tracts numbered 17.02, 18, 20, and 26.01 in the city and county of Denver; that part of census tract number 21.00 in the city and county of Denver which is not contained in district 2; those parts of census tracts numbered 17.01 and 19 in the city and county of Denver which are not contained in district 5; census block group number 1 in census tract number 10 in the city and county of Denver; census block group number 6 and census blocks numbered 504, 505, and 506 in census tract number 24.01 in the city and county of Denver; census blocks numbered 303, 304, 305, and 306 in census tract number 24.02 in the city and county of Denver; census block group number 2 and census block number 110 in census tract number 25 in the city and county of Denver; census block group number 3 and census blocks numbered 101, 102, 103, 104, 105, 106, 203, 204, and 209 in census tract number 26.02 in the city and county of Denver; that part of census tract number 27.01 in the city and county of Denver which is not contained in district 11; and census block group number 5 and census blocks numbered 404, 405, and 406 in census tract number 27.03 in the city and county of Denver.

(7) **District 7:** Census tracts numbered 41.01, 41.02, 41.03, and 41.04 in the city and county of Denver; census block groups numbered 1 and 6 in census tract number 42.02 in the city and county of Denver; census block groups numbered 1, 4, 5, and 6 and census blocks numbered 206, 207, 208, 209, 210, 211, 311, 312, 313, 314, 315, 316, 317, and 318 in census tract number 42.01 in the city and county of Denver; census block groups numbered 1 and 2 and census blocks numbered 301, 302, 304, 305, 306, 307, 308, 309, and 310 in census tract number 36.03 in the city and county of Denver; and census block group number 2 and census blocks numbered 101, 103, 104, and 121 in census tract number 36.02 in the city and county of Denver.

(8) **District 8:** Census tracts numbered 23, 31.01, 31.02, and 36.01 in the city and county of Denver; census blocks numbered 101, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, and 314 in census tract number 37.01 in the city and county of Denver; those parts of census tracts numbered 36.02 and 36.03 in the city and county of Denver which are not contained in district 7; those parts of census tracts numbered 24.02 and 26.02 in the city and county of Denver which are not contained in district 6; census block groups numbered 1, 2, and 3 in census tract number 24.01 in the city and county of Denver; census block group number 1 and census blocks numbered 201, 202, and 203 in census tract number 27.03 in the city and county of Denver; census blocks

numbered 101, 102, 103, and 104 in census tract number 32.01 in the city and county of Denver; and census blocks numbered 103 and 104 in census tract number 32.02 in the city and county of Denver.

(9) **District 9:** Census tracts numbered 2.01, 2.02, 4.01, 11.01, 15.00, 16.00, 89.02, 95.03, and 97.00 in the city and county of Denver; census blocks numbered 101, 104, 105, and 108 in census tract number 3.03 in the city and county of Denver; census block groups numbered 1 and 7 in census tract number 4.02 in the city and county of Denver; that part of census tract number 11.02 in the city and county of Denver which is not contained in district 5; that part of census tract number 15.50 which is in the city and county of Denver, being a part of census block number 901; that part of census tract number 24.01 in the city and county of Denver which is not contained in districts 6 and 8; that part of census tract number 25 in the city and county of Denver which is not contained in district 6; census block groups numbered 3, 4, 5, 6, and 7 and census blocks numbered 803, 808, 809, 810, 822, 823, 824, 825, 826, 827, 828, and 829 in census tract number 35 in the city and county of Denver; that part of census tract number 89.52 which is in the city and county of Denver, being a part of census block number 101; and that part of census tract number 97.50 which is in the city and county of Denver, being a part of census block number 210.

(10) **District 10:** Census tracts numbered 29.02, 39.02, and 51.01 in the city and county of Denver; census blocks numbered 206, 207, 208, and 301 in census tract number 28.03 in the city and county of Denver; that part of census tract number 29.01 in the city and county of Denver which is not contained in district 2; census block group number 3 and census blocks numbered 114, 115, 116, 117, 201, 202, 203, 204, 217, 218, 219, 220, 221, 222, 401, 402, 403, 407, 408, 409, and 410 in census tract number 30.01 in the city and county of Denver; census blocks numbered 102, 103, 104, 105, 106, 107, 108, 109, and 110 in census tract number 30.03 in the city and county of Denver; that part of census tract number 34 in the city and county of Denver which is not contained in district 11; that part of census tract number 39.01 in the city and county of Denver which is not contained in district 12; census block number 127 in census tract number 49.00 in the city and county of Denver; that part of census tract number 51.02 in the city and county of Denver which is not contained in district 14; and that part of census tract number 51.51 which is in the city and county of Denver.

(11) **District 11:** Census tracts numbered 27.02, 28.01, 28.02, and 32.03 in the city and county of Denver; census blocks numbered 301, 302, 303, 304, 305, and 306 in census tract number 27.01 in the city and county of Denver; that part of census tract number 27.03 in the city and county of Denver which is not contained in districts 6 and 8; that part of census tract number 28.03 in the city and county of Denver which is not contained in district 10; that part of census tract number 32.01 in the city and

county of Denver which is not contained in district 8; census block group number 3 and census blocks numbered 105, 106, 107, 202, 203, 204, and 205 in census tract number 32.02 in the city and county of Denver; and census block group number 1 in census tract number 34 in the city and county of Denver.

(12) **District 12:** Census tracts numbered 33, 37.02, 37.03, 38, and 43.01 in the city and county of Denver; that part of census tract number 32.02 in the city and county of Denver which is not contained in districts 8 and 11; that part of census tract number 37.01 in the city and county of Denver which is not contained in district 8; census blocks numbered 106, 107, 108, 109, 206, 207, 208, 209, 306, 307, 308, 309, 310, 311, 404, 405, 406, 407, 408, 409, 410, and 411 in census tract number 43.02 in the city and county of Denver; census block groups numbered 4, 5, and 6 and census blocks numbered 104, 105, 106, 107, 108, 109, 110, 111, 204, 205, 206, 207, 208, 209, 210, 216, 217, 218, 301, 302, 303, 304, 314, 315, 316, 317, 318, 319, 320, and 321 in census tract number 43.03 in the city and county of Denver; census blocks numbered 112, 113, 114, 115, 116, 117, and 118 in census tract number 39.01 in the city and county of Denver; census blocks numbered 108, 109, 110, 111, 124, 125, and 126 in census tract number 49 in the city and county of Denver; census tract number 49.50 which includes area in the city and county of Denver and in Arapahoe county; and that part of census tract number 51.51 which is in Arapahoe county and is not contained in district 10.

(13) **District 13:** Census tracts numbered 43.04, 43.05, 44.01, and 44.02 in the city and county of Denver; that part of census tract number 70.51 which is in the city and county of Denver, being a part of census block number 114; that part of census tract number 70.01 in the city and county of Denver which is not contained in district 14; those parts of census tracts numbered 43.02 and 43.03 in the city and county of Denver which are not contained in district 12; and those parts of census tracts numbered 42.01 and 42.02 in the city and county of Denver which are not contained in district 7.

(14) **District 14:** Census tracts numbered 50.00, 52.00, 68.01, 68.02, 68.03, 68.04, 69.01, 69.02, 70.02, and 70.06 in the city and county of Denver; that part of census block number 301 in census tract number 67.51 which includes area in Arapahoe county and the city and county of Denver and is bounded on the west by Quebec street, on the south by Belleview avenue, and on the northeast by the right-of-way of Interstate 25; that part of census tract number 68.53 which is in the city and county of Denver, being census block number 902; census block number 903 in census tract number 68.54 which block is in the city and county of Denver; census blocks numbered 906 and 907 in census tract number 68.54 which blocks include area in Arapahoe county and the city and county of Denver; that part of census tract number 68.52 which is in the city and county of Denver, being a part of census block number

901; that part of census tract number 70.52 which is in the city and county of Denver, being a part of census block number 115; that part of census tract number 70.56 which is in the city and county of Denver, being parts of census blocks numbered 903 and 905; census blocks numbered 314, 315, 401, 402, 403, 404, 405, and 406 in census tract number 51.02 in the city and county of Denver; census block number 115 in census tract number 70.01 in the city and county of Denver; that part of census tract number 49 in the city and county of Denver which is not contained in districts 10 and 12; census blocks numbered 101, 204, 208, 209, 210, 211, 212, 301, 302, 303, 304, 305, and 306 in census tract number 40.03 in the city and county of Denver; census blocks numbered 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 202, 203, 204, 205, 206, and 207 in census tract number 40.04 in the city and county of Denver; census block group number 3 in census tract number 67.01 in the city and county of Denver; census tract number 69.52 in Arapahoe county; that part of census tract number 53.50 which is in Arapahoe county and is not contained in district 15; and census tract number 69.51 which includes area in Arapahoe county and the city and county of Denver.

(15) **District 15:** Census tracts numbered 30.04, 30.05, 40.01, 40.02, and 53 in the city and county of Denver; that part of census tract number 53.50 which is in the city and county of Denver; that part of census tract number 30.01 in the city and county of Denver which is not contained in districts 2 and 10; that part of census tract number 30.02 in the city and county of Denver which is not contained in district 2; those parts of census tracts numbered 40.03, 40.04, and 67.01 in the city and county of Denver which are not contained in district 14; and that part of census tract number 30.03 in the city and county of Denver which is not contained in district 10.

(16) **District 16:** Census tracts numbered 7, 8, 17, 18, 19, and 20 in El Paso county; census block groups numbered 1 and 2 and census blocks numbered 306, 307, 308, 309, 310, 311, and 312 in census tract number 1 in El Paso county; that part of census tract number 4 in El Paso county which is not contained in districts 18 and 20; census block group number 1 in census tract number 5 in El Paso county; that part of census tract number 6 in El Paso county which is not contained in district 18; that part of census tract number 9 in El Paso county which is not contained in district 20; and census blocks numbered 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, and 121 in census tract number 21.01 in El Paso county.

(17) **District 17:** Census tracts numbered 21.02, 22, 27, and 28 in El Paso county; that part of census tract number 21.01 in El Paso county which is not contained in district 16; census block group number 1 and census blocks numbered 201, 202, 203, 204, 205, 206, 207, 305, 306, 307, 308, 309, 310, 401, 407, 408, 409, 410, 411, 412, 501, 502, 503, 504, 505, 506, 507, 604, 605, 606, 607, 608, 701, 702, 705, and 710 in

census tract number 29 in El Paso county; and census blocks numbered 101, 102, 103, 104, 105, 106, 107, 108, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 224, 225, 226, 227, 228, 301, 302, 303, 304, and 305 in census tract number 40.04 in El Paso county.

(18) **District 18:** Census tracts numbered 2, 39.01, 39.02, 40.01, and 40.02 in El Paso county; that part of census tract number 1.00 in El Paso county which is not contained in district 16; census block group number 1 and census blocks numbered 402, 403, 404, and 408 in census tract number 3.01 in El Paso county; census block group number 1 in census tract number 4.00 in El Paso county; and census blocks numbered 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, and 316 in census tract number 6.00 in El Paso county.

(19) **District 19:** Census tracts numbered 40.03, 41, 42, 43, 45.01, 45.02, 45.03, and 46 in El Paso county; and that part of census tract number 40.04 in El Paso county which is not contained in district 17.

(20) **District 20:** Census tracts numbered 3.02, 10.00, 11.01, 11.02, 13.02, 37.01, 37.02, and 38.00 in El Paso county; that part of census tract number 3.01 in El Paso county which is not contained in district 18; census block group number 3 in census tract number 4 in El Paso county; that part of census tract number 5 in El Paso county which is not contained in district 16; census blocks numbered 301, 302, 303, 304, 305, 306, 307, 308, 313, 314, 315, and 316 in census tract number 9 in El Paso county; and that part of census tract number 12 in El Paso county which is not contained in district 22.

(21) **District 21:** Census tracts numbered 31, 32, 33.01, 33.02, and 44 in El Paso county; enumeration district number 268 and census blocks numbered 303, 305, 306, 307, 308, 313, 314, 401, 402, 403, 404, and 405 in census tract number 25 in El Paso county; that part of census tract number 29 in El Paso county which is not contained in district 17; that part of census tract number 30 in El Paso county which is not contained in district 22; and enumeration districts numbered 6, 7, 8, and 9 in Teller county.

(22) **District 22:** Enumeration districts numbered 1, 2, 3, and 4 in Teller county; census tracts numbered 13.01, 14, 15, 16, 23, 24, 26, 34, 35, and 36 in El Paso county; census blocks numbered 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 324 in census tract number 12 in El Paso county; that part of census tract number 25 in El Paso county which is not contained in district 21; and census blocks numbered 101, 102,

103, 104, 105, 106, 107, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 415, 416, 417, 418, 901, 902, and 903 in census tract number 30 in El Paso county.

(23) **District 23:** Census tracts numbered 108.00, 111.00, and 115.50 in Jefferson county; those parts of census tracts numbered 105.01, 110.00, and 114.00 in Jefferson county which are not contained in district 24; that part of census tract number 109.00 in Jefferson county which is not contained in district 25; and census block group number 1 in census tract number 116.00 in Jefferson county.

(24) **District 24:** Census tracts numbered 105.02, 106.02, 106.51, 107.00, and 113.00 in Jefferson county; census block groups numbered 1 and 2 in census tract number 105.01 in Jefferson county; census block groups numbered 1 and 4 and census blocks numbered 501, 502, 503, 504, 505, 506, and 507 in census tract number 110.00 in Jefferson county; and census block group number 4 in census tract number 114.00 in Jefferson county.

(25) **District 25:** Census tracts numbered 98.06, 98.07, 98.10, 99.00, 100.00, 101.00, 120.06, and 120.08 in Jefferson county; those parts of census tracts numbered 98.04 and 98.09 in Jefferson county which are not contained in district 27; census block group number 1 in census tract number 98.08 in Jefferson county; census block group number 4 and census blocks numbered 501, 502, 503, 504, 505, 506, 507, 508, and 509 in census tract number 109.00 in Jefferson county; that part of census tract number 117.05 in Jefferson county which is not contained in district 26; and enumeration districts numbered 31 and 32 in census tract number 120.09 in Jefferson county.

(26) **District 26:** Census tracts numbered 112.00, 117.01, 117.04, and 118.01 in Jefferson county; that part of census tract number 117.03 in Jefferson county which is not contained in district 28; that part of census tract number 116.00 in Jefferson county which is not contained in district 23; census block group number 2 and census blocks numbered 110, 112, 113, 114, 115, 116, 907, and 908 in census tract number 117.05 in Jefferson county; that part of enumeration district number 422B in census tract number 117.06 in Jefferson county which is west of Union boulevard; and all that part of census tract number 117.06 in Jefferson county which is north of Jewell avenue.

(27) **District 27:** Census tracts numbered 98.02, 98.03, and 98.05 in Jefferson county; enumeration districts numbered 1B and 9 in census tract number 98.08 in Jefferson county; enumeration district number 15 in census tract number 98.09 in Jefferson county; those parts of census tracts numbered 98.01, 102.02, 103.01, 103.02, 104.02, and 104.03 in Jefferson county which are not contained in district 29; and enumeration district number 411 and census blocks numbered 106, 107, 108, 109, 110,

203, 204, 205, 206, 902, 903, 904, 905, 906, 907, 908, 909, and 910 in census tract number 98.04 in Jefferson county.

(28) **District 28:** Census tracts numbered 117.02, 117.07, 118.02, 119.51, 120.03, 120.04, 120.05, and 120.07 in Jefferson county; that part of census tract number 120.02 which includes area in Jefferson county and the city and county of Denver and is not contained in district 1; that part of census tract number 119.53 which is not contained in district 1 and which includes area in Jefferson county and the city and county of Denver; that part of census tract number 119.52 in Jefferson county which is not contained in district 1; census blocks numbered 121, 122, 123, 124, and 125 in census tract number 117.03 in Jefferson county; that part of census tract number 120.09 in Jefferson county which is not contained in district 25; that part of census tract number 117.06 in Jefferson county which is not contained in district 26; that part of census tract number 120.51 which is in Jefferson county and is not contained in district 1; census tract number 119.01 in the city and county of Denver; and census blocks numbered 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, and 117 in census tract number 119.03 in the city and county of Denver.

(29) **District 29:** Census tracts numbered 102.01 and 104.51 in Jefferson county; census block group number 1 and census block number 901 in census tract number 98.01 in Jefferson county; census block groups numbered 1 and 2 and census blocks numbered 303, 311, 312, 313, 314, and 315 in census tract number 103.02 in Jefferson county; census block group number 1 and census blocks numbered 201, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, and 225 in census tract number 103.01 in Jefferson county; census block groups numbered 1 and 2 in census tract number 104.02 in Jefferson county; census block group number 1 in census tract number 104.03 in Jefferson county; census block groups numbered 2, 3, and 4 and census block number 904 in census tract number 102.02 in Jefferson county; and census blocks numbered 206, 207, 208, 209, 210, 211, 212, 213, 214, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, and 313 in census tract number 96.02 in Adams county.

(30) **District 30:** Census tracts numbered 81, 83.03, and 84 in Adams county; that part of census tract number 78 in Adams county which is not contained in district 36; census block groups numbered 2, 3, 4, and 5 in census tract number 79 in Adams county; that part of census tract number 83.02 in Adams county which is not contained in district 32; census block groups numbered 2, 3, and 6 and census blocks numbered 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 401, 402, 403, 404, 405, 406, 407, 408, 409, 513, 514, 515, 516, and 517 in census tract number 80 in Adams county; enumeration districts numbered 108, 109, and 111 in census tract number 25 in Weld county; that part of Morgan county which is not contained in

district 64; and that part of census tract number 87.01 which is in Adams county and is not contained in district 32.

(31) **District 31:** Census tracts numbered 85.03, 85.04, 86.01, 86.02, 88.02, and 91 in Adams county; census block groups numbered 1 and 2 and census blocks numbered 301, 303, 304, 305, 306, 307, 308, 309, 318, and 319 in census tract number 88.01 in Adams county; that part of census tract number 92 in Adams county which is not contained in district 33; enumeration districts numbered 122 and 125 in census tract number 85.01 in Adams county; and enumeration district number 121 in census tract number 85.02 in Adams county.

(32) **District 32:** Census tracts numbered 82, 83.51, 87.02, and 87.03 in Adams county; census tract number 41.55 which includes area in Adams county and the city and county of Denver; that part of census tract number 87.01 which includes area in Adams county and the city and county of Denver and is west of D street; census block number 906 in census tract number 83.02 in Adams county; those parts of census tracts numbered 79 and 80 in Adams county which are not contained in district 30; that part of census tract number 88.01 in Adams county which is not contained in district 31; that part of census tract number 89.01 in Adams county which is not contained in district 34; and census tracts numbered 41.05 and 83.01 in the city and county of Denver.

(33) **District 33:** Census tracts numbered 93.04 and 93.05 in Adams county; census blocks numbered 904 and 905 in census tract number 93.03 in Adams county; that part of census tract number 94.02 in Adams county which is not contained in district 35; those parts of census tracts numbered 85.01 and 85.02 in Adams county which are not contained in district 31; and census blocks numbered 304, 307, 308, 311, 312, 313, 314, 315, 316, 317, 318, 319, 901, 902, 903, and 904 in census tract number 92 in Adams county.

(34) **District 34:** Census tracts numbered 90, 93.01, and 95.53 in Adams county; those parts of census tracts numbered 15.50 and 89.52 which are in Adams county and are not contained in district 9; that part of census tract number 93.03 in Adams county which is not contained in district 33; that part of census tract number 93.02 in Adams county which is not contained in district 35; census block group number 9 in census tract number 89.01 in Adams county; and that part of census tract number 35 in the city and county of Denver which is not contained in district 9.

(35) **District 35:** Census tracts numbered 94.01, 95.01, 95.02, and 96.01 in Adams county; that part of census tract number 97.50 which is in Adams county and is not contained in district 9; that part of census tract number 96.02 in Adams county which is not contained in district 29; census block group number 2 and census blocks

numbered 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, and 311 in census tract number 94.02 in Adams county; and census blocks numbered 313, 314, 315, and 316 in census tract number 93.02 in Adams county.

(36) **District 36:** Census tracts numbered 72, 73, 74, 75, and 76 in Arapahoe county; census block group number 1 in census tract number 44.52 in Arapahoe county; census block group number 1 except census blocks numbered 109, 115, and 116 in census tract number 70.07 in Arapahoe county; census block group number 2 in census tract number 70.07 in Arapahoe county; that part of census tract number 77.01 in Arapahoe county which is not contained in district 40; census block group number 1 in census tract number 77.02 in Arapahoe county; and census blocks numbered 108, 109, 112, 201, 204, 205, 208, 209, 302, 303, 306, 307, 308, 313, 314, 315, 401, 402, 403, 404, 405, 406, and 407 in census tract number 78 in Adams county.

(37) **District 37:** Census tracts numbered 40.52, 54.03, 55.52, 57, 58, 59, 60, 61, and 63 in Arapahoe county; that part of census tract number 55.51 which is in Arapahoe county and is not contained in district 2; that part of census tract number 67.51 which is in Arapahoe county and is not contained in district 14; that part of census tract number 48.52 in Arapahoe county which is not contained in district 2; census blocks numbered 101, 102, 103, 104, 112, 113, 114, 115, 201, 202, 203, 204, 213, 214, 215, and 216 in census tract number 62 in Arapahoe county; and that part of census tract number 54.02 in the city and county of Denver which is not contained in district 2.

(38) **District 38:** Census tracts numbered 55.53, 56.02, 56.51, 64, and 65 in Arapahoe county; that part of census tract number 62 in Arapahoe county which is not contained in district 37; census block group number 2 in census tract number 66.01 in Arapahoe county; census block group number 3 except census blocks numbered 301, 302, 303, 304, and 305 in census tract number 66.01 in Arapahoe county; census block number 109 in census tract number 66.01 in Arapahoe county; census block groups numbered 2, 3, 4, 5, and 6 and census blocks numbered 106, 107, and 108 in census tract number 66.02 in Arapahoe county; and census block group number 7 except census blocks numbered 705, 710, 711, 712, 713, and 714 in census tract number 66.02 in Arapahoe county.

(39) **District 39:** Census tracts numbered 56.03, 56.04, 56.05, 56.06, 67.02, and 67.03 in Arapahoe county; those parts of census tracts numbered 66.01 and 66.02 in Arapahoe county which are not contained in district 38; census blocks numbered 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, and 917 in census tract number 68.05 in Arapahoe county; and enumeration district number 517 in census tract number 68.06 in Arapahoe county.

(40) **District 40:** The county of Douglas; census tracts numbered 52.50, 68.51, 70.03, 70.04, 70.05, 70.08, 70.09, 70.10, 70.11, and 71 in Arapahoe county; census block number 109 in census tract number 77.01 in Arapahoe county; those parts of census tracts numbered 44.52, 70.07, and 77.02 in Arapahoe county which are not contained in district 36; those parts of census tracts numbered 68.05 and 68.06 in Arapahoe county which are not contained in district 39; those parts of census tracts numbered 68.52, 68.53, 68.54, 70.52, and 70.56 which are in Arapahoe county and are not contained in district 14; that part of census tract number 70.51 which is in Arapahoe county and is not contained in district 13; and that part of Elbert county which is not contained in district 64.

(41) **District 41:** The county of Custer; that part of Fremont county which is not contained in district 61; census tracts numbered 17, 26, 27, 28.01, and 28.03 in Pueblo county; census block number 204 in census tract number 15 in Pueblo county; those parts of census tracts numbered 18, 28.02, and 29.02 in Pueblo county which are not contained in district 44; and census blocks numbered 106, 107, 108, 109, 110, 111, 112, and 114 in census tract number 19 in Pueblo county.

(42) **District 42:** Census tracts numbered 8, 12, 13, 20, 21, and 25 in Pueblo county; those parts of census tracts numbered 24 and 31.01 in Pueblo county which are not contained in district 62; those parts of census tracts numbered 7 and 14 in Pueblo county which are not contained in district 44; that part of census tract number 19 in Pueblo county which is not contained in district 41; that part of census tract number 15 in Pueblo county which is not contained in districts 41 and 44; that part of census tract number 11 in Pueblo county which is not contained in district 43; and census block group number 9 in census tract number 30.01 in Pueblo county.

(43) **District 43:** The county of Crowley; that part of Otero county which is not contained in district 63; census tracts numbered 10, 33, and 34 in Pueblo county; enumeration district number 8 in census tract number 9.02 in Pueblo county; census block groups numbered 1 and 2 and census blocks numbered 301, 306, 307, 312, and 313 in census tract number 11 in Pueblo county; that part of census tract number 30.01 in Pueblo county which is not contained in district 42; that part of census tract number 30.02 in Pueblo county which is not contained in district 44; and those parts of census tracts numbered 31.02 and 32 in Pueblo county which are not contained in district 62.

(44) **District 44:** Census tracts numbered 1, 2, 3, 4, 5, 6, 9.01, 9.03, 16, and 29.01 in Pueblo county; census blocks numbered 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 522 in census tract number 7 in Pueblo county; that part of census tract number 9.02 in Pueblo county which is not contained in district 43; census blocks numbered 101, 102, 103, and 104 in census tract number 14 in Pueblo county; census blocks numbered 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114,

115, 221, 222, 223, 224, 225, 226, 227, and 228 in census tract number 15 in Pueblo county; census blocks numbered 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, and 112 in census tract number 18 in Pueblo county; census block group number 1 and census block number 201 in census tract number 28.02 in Pueblo county; census block groups numbered 1, 2, and 9 in census tract number 29.02 in Pueblo county; and census block group number 9 in census tract number 30.02 in Pueblo county.

(45) **District 45:** Census tracts numbered 5, 6, 11, 12, and 22 in Larimer county; census blocks numbered 102, 103, 106, 107, 108, 109, and 110 in census tract number 3 in Larimer county; census block number 317 in census tract number 4 in Larimer county; enumeration district number 8 in census tract number 14 in Larimer county; census block group number 1, census blocks numbered 212 and 215, and enumeration district number 38 in census tract number 18 in Larimer county; enumeration district number 42 in census tract number 20 in Larimer county; enumeration district number 110 in census tract number 21 in Larimer county; and that part of census tract number 19 in Larimer county which is not contained in district 48.

(46) **District 46:** Census tracts numbered 1, 2, 7, 8, 9, 10, and 16 in Larimer county; census blocks numbered 101, 104, 105, 111, 112, 113, 114, and 115 in census tract number 3 in Larimer county; census block groups numbered 1 and 2 and census blocks numbered 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, and 316 in census tract number 4 in Larimer county; census block groups numbered 1 and 2 and census blocks numbered 901, 902, 903, 904, 905, 912, 913, 914, 915, and 916 in census tract number 13 in Larimer county; and enumeration districts numbered 105, 106, and 107 in census tract number 15 in Larimer county.

(47) **District 47:** Census tracts numbered 121.01, 121.03, 121.04, 124.02, 125.05, 127.01, 127.02, 132.02, 136.01, 136.02, and 137 in Boulder county; enumeration district number 298 and census blocks numbered 102, 103, 106, 107, 108, 109, 112, 113, 124, 125, 126, 127, 128, 206, 207, 208, 209, 224, 225, 226, 303, 304, 305, 306, 307, 308, 309, 310, 311, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, and 329 in census tract number 122.01 in Boulder county; that part of census tract number 125.06 in Boulder county which is not contained in district 52; and census blocks numbered 103, 104, 113, 114, 115, 116, 127, 128, 201, 202, 230, and 231 in census tract number 124.01 in Boulder county.

(48) **District 48:** Census tracts numbered 13 and 14 in Weld county; census blocks numbered 424, 425, 426, 427, and 428 in census tract number 4 in Weld county; census blocks numbered 101, 102, 103, 104, 105, 106, 107, 108, 110, 115, 211, 212, and 213 in census tract number 5 in Weld county; enumeration district number 37 in census tract number 6 in Weld county; that part of census tract number 11 in Weld county which is not contained in district 50; that part of census tract number 12 in Weld county which

is not contained in district 50; that part of census tract number 21 in Weld county which is not contained in district 49; that part of census tract number 22 in Weld county which is not contained in district 51; census tract number 17 in Larimer county; those parts of census tracts numbered 18, 20, and 21 in Larimer county which are not contained in district 45; and census blocks numbered 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 132 in census tract number 19 in Larimer county.

(49) **District 49:** Census tracts numbered 128, 132.01, 132.03, 132.04, 132.05, 133.01, 133.02, 134, and 135 in Boulder county; enumeration districts numbered 122 and 123 in census tract number 20 in Weld county; and enumeration districts numbered 100 and 103 in census tract number 21 in Weld county.

(50) **District 50:** Census tracts numbered 1, 2, 3, 8, 9, and 10 in Weld county; those parts of census tracts numbered 4 and 5 in Weld county which are not contained in district 48; census block groups numbered 2 and 3 and census blocks numbered 127, 128, 133, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, and 147 in census tract number 7 in Weld county; census blocks numbered 105, 106, 107, 108, 109, 110, 111, 112, 113, and 117 in census tract number 11 in Weld county; and census blocks numbered 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156 in census tract number 12 in Weld county.

(51) **District 51:** Census tracts numbered 15, 16, 17, 18, 19, 23, and 24 in Weld county; that part of census tract number 6 in Weld county which is not contained in district 48; that part of census tract number 7 in Weld county which is not contained in district 50; that part of census tract number 20 in Weld county which is not contained in district 49; enumeration districts numbered 16, 17, 18, 19, 20, and 21 in census tract number 22 in Weld county; and that part of census tract number 25 in Weld county which is not contained in district 30.

(52) **District 52:** Census tracts numbered 125.01, 125.02, 125.04, 127.03, 127.04, 129.00, 130.00, 131.01, and 131.02 in Boulder county; enumeration district number 290 and census block number 101 in census tract number 126.01 in Boulder county; enumeration district number 311 and census blocks numbered 110, 111, 113, 114, 115, 116, 126, 127, 128, 129, 130, 131, and 132 in census tract number 125.06 in Boulder county; and that part of census tract number 98.08 in Jefferson county which is not contained in districts 25 and 27.

(53) **District 53:** Census tracts numbered 121.02, 122.02, 122.03, 123, 125.03, and 126.02 in Boulder county; those parts of census tracts numbered 122.01 and 124.01 in Boulder county which are not contained in district 47; and that part of census tract number 126.01 in Boulder county which is not contained in district 52.

(54) **District 54:** Census tracts numbered 12, 13, 14, and 19 in Mesa county; enumeration district number 39 in census tract number 3 in Mesa county; enumeration districts numbered 35, 36, and 60 in census tract number 9 in Mesa county; enumeration districts numbered 6, 7, 10, and 10B in census tract number 15 in Mesa county; that part of census tract number 8 in Mesa county which is not contained in district 55; and that part of Delta county which is not contained in district 58.

(55) **District 55:** Census tracts numbered 1, 2, 4, 5, 6, 7, 10, 11, 16, 17, and 18 in Mesa county; enumeration districts numbered 49 and 50 in census tract number 8 in Mesa county; and those parts of census tracts numbered 3, 9, and 15 in Mesa county which are not contained in district 54.

(56) **District 56:** The counties of Clear Creek, Gilpin, Grand, Jackson, Moffat, Routt, and Summit; enumeration districts numbered 2, 3, and 4 in Eagle county; enumeration districts numbered 1, 2, 2B, 3, 4, 5, 6, 7, and 91 in Larimer county; and census blocks numbered 906, 907, 908, 909, 910, 911, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, and 935 in census tract number 13 in Larimer county.

(57) **District 57:** The counties of Garfield, Pitkin, and Rio Blanco; enumeration districts numbered 3 and 9 in Lake county; and that part of Eagle county which is not contained in district 56.

(58) **District 58:** The counties of Dolores, Gunnison, Hinsdale, Montrose, Ouray, San Juan, and San Miguel; enumeration districts numbered 21 and 23 in Delta county; and enumeration districts numbered 2 and 4 in Montezuma county.

(59) **District 59:** The counties of Archuleta and La Plata; and that part of Montezuma county which is not contained in district 58.

(60) **District 60:** The counties of Alamosa, Conejos, Mineral, Rio Grande, and Saguache.

(61) **District 61:** The counties of Chaffee and Park; all of the Canon City division and enumeration districts numbered 4, 5, 6, 25, 27, 29, and 30 in Fremont county; that part of Teller county which is not contained in districts 21 and 22; and that part of Lake county which is not contained in district 57.

(62) **District 62:** The counties of Costilla, Huerfano, and Las Animas; census tracts numbered 22, 23, and 28.04 in Pueblo county; enumeration districts numbered 127 and 183 in census tract number 31.01 in Pueblo county; enumeration district number 189 in census tract number 32 in Pueblo county; enumeration districts numbered 181 and 182 and census blocks numbered 202, 203, 204, 205, 206, 207, 208,

209, 210, 211, 212, 213, 214, and 215 in census tract number 31.02 in Pueblo county; and census blocks numbered 118, 119, 120, and 121 in census tract number 24 in Pueblo county.

(63) **District 63:** The counties of Baca, Bent, and Prowers; and enumeration districts numbered 1, 3, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 in Otero county.

(64) **District 64:** The counties of Cheyenne, Kiowa, Kit Carson, and Lincoln; enumeration districts numbered 1, 7, 8, and 9 in Elbert county; enumeration districts numbered 12 and 13 in Yuma county; enumeration districts numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 21, 22, 24, and 25 in Morgan county; and that part of Washington county which is not contained in district 65.

(65) **District 65:** The counties of Logan, Phillips, and Sedgwick; enumeration district number 2 in Washington county; and that part of Yuma county which is not contained in district 64.

2-2-203. Legislative declaration - findings of legislative fact. (1) The general assembly declares it to be necessary to meet the equal population requirements of section 46 of article V of the state constitution in some instances to add part of one county to all or part of another county in forming representative districts under this part 2.

(2) The general assembly further declares that some representative districts are not comprised of areas whose boundaries are equidistant from the geographic center of the respective areas, but that variations therefrom were necessitated by population density and distribution, boundaries of enumeration districts and other identifiable census units of area, natural boundaries, and county lines in order to define representative districts having population as nearly equal as may be.

(3) Pursuant to the requirements of section 47 of article V of the state constitution, the representative districts established by this part 2 are based upon the following factors: (1) Equal population; (2) a minimum split of counties; and (3) compactness based upon geographic areas whose boundaries are as nearly equidistant from a center as possible, limited by variances caused by the shape of county boundary lines, census enumeration lines, natural boundaries, population density, and the need to retain compactness of adjacent districts.

Colorado's population as established by the 1970 federal census is 2,209,528. An average representative district is 33,993. The maximum deviation in excess of this average for a representative district as provided by this part 2 is 0.81 percent, while the smallest district is 1.02 percent below average.

The compactness of each individual district not only depends upon natural boundaries, the irregular size and shape of census districts, and county lines, but must be related to the overall approach used in developing districts of approximately equal population. (The term "census districts" is used in this subsection (3) to include official census tracts, enumeration districts, block groups, or blocks, as applicable.)

The Front Range area which stretches from the Wyoming state line on the north to the southern border of Pueblo county embodies thirteen counties (i.e., Larimer, Weld, Morgan, Boulder, Jefferson, Denver, Adams, Arapahoe, Douglas, Elbert, El Paso, Teller, and Pueblo) which contain a total of 1,798,936 people.

The house reapportionment plan as embodied in this part 2 allocates fifty-three house districts to this Front Range area. Fifty-three seats times the ideal 33,993 people for each district equals 1,801,609 people. The fifty-three districts as contained in this part 2 have 1,800,425 people in them.

This approach leaves twelve house districts to be devised from the remaining fifty counties -- since section 47 of article V of the state constitution provides that counties may be split for purposes of equal population only, the compactness of these twelve districts is dependent for the most part on the shape of county boundaries.

In order to achieve equal population in these remaining twelve districts, and still retain the integrity of county boundaries wherever feasible, and to strive for as compact districts as possible, parts of four counties contained in the Front Range group were added to the outlying twelve districts. (A part of Larimer county was added to district 56; a part of Teller county was added to district 61; a part of Elbert county was added to district 64; and a part of Morgan county was added to district 64.)

Aside from cutting across the said four county lines, only nine county boundaries were crossed in devising the twelve outlying districts out of the remaining fifty counties, and these were made for purposes of population equality.

In order to pick up the extra population necessary for the Front Range group of districts after deducting the parts allocated to the outlying twelve districts, population from the whole counties of Huerfano, Crowley, and Custer, and a part of Fremont county were added to Pueblo county in order to create four legislative districts.

Within the Front Range group of legislative districts there are densely populated areas interspersed within very sparsely populated areas, and this contributes to the difficulties of drawing districts in a compact manner.

Wherever feasible in the plan contained in this part 2, districts within densely populated areas have been drawn as compact as possible. However, drawing five

compact districts in Adams county, for example, necessitates a sixth district which gives an appearance of noncompactness.

2-2-204. Attachments and detachments. (1) If any area of this state is omitted from the provisions of this part 2, inadvertently or by virtue of the complexities of the information supplied to the general assembly, the secretary of state, upon discovery of such omission, shall attach such area to the appropriate representative district as follows:

(a) If the area is surrounded by a representative district, the area shall be attached to such district.

(b) If the area is contiguous to two or more representative districts, the area shall be attached to the district that has the least population according to the last preceding national census of the United States bureau of the census.

(2) If any area of this state is included in two or more representative districts established by this part 2, inadvertently or by virtue of the complexities of the information supplied to the general assembly, the secretary of state, upon discovery of such inclusion, shall detach such area from the representative district or districts having the largest population and shall designate such area as being included in the representative district having the least population; except that, if such area is wholly surrounded by a representative district and by inadvertence is also included in another representative district, the secretary of state shall designate such area as included in the district wholly surrounding such area, regardless of population.

(3) If any annexation occurring on or after May 1, 1972, changes a county boundary which constitutes any portion of the boundary of a representative district defined by this part 2 and if the population of the area annexed is one hundred seventy persons or less according to the 1970 federal census, the secretary of state shall detach the area annexed from the representative district in which it is included pursuant to this part 2 and shall attach such area to the adjacent representative district in the county to which the area was annexed; except that if such attachment would result in any area in one representative district being wholly surrounded by area in another representative district, no adjustment in representative district boundaries shall be made. If the area annexed is adjacent to two or more representative districts in the county to which it is annexed, the area shall be attached to the representative district having the least population. The area so attached shall also be attached to any general election precinct adjacent to such area in the county to which the area was annexed.

(4) If any annexation occurring on or after May 1, 1972, changes a county boundary which constitutes any portion of the boundary of a representative district defined by this part 2 and if the population of the annexed area is more than one

hundred seventy persons according to the 1970 federal census, no adjustment in the boundaries of representative districts shall be made, but the area annexed shall constitute a separate general election precinct.

(5) Any attachment or detachment made pursuant to the provisions of subsections (1) to (4) of this section shall be certified in writing by and kept on file with the secretary of state. No change may be made in any such attachment or detachment until the representative districts are again reapportioned.

2-2-205. Maps of legislative districts. The legislative council shall prepare and file with the secretary of state copies of census maps showing thereon each representative district and showing the population of each district according to the official census lines, maps, and statistics as described in this part 2. The legislative council shall retain on file in its office copies of official census maps and population statistics.

2-2-206. Severability. If one or more of the representative districts defined by this part 2 are found to violate any provision of the state or federal constitution, the remaining districts defined by this part 2 which do not violate any such provision may stand as defined, and the general assembly shall redefine the boundaries of those districts held invalid in such a manner that said districts will comply with constitutional requirements.

2-2-207. Applicability of part 2. This part 2 applies to the forty-ninth and subsequent general assemblies.

2-2-208. Redistricting. (1) The general assembly hereby finds:

(a) House of representatives district 60 currently includes the six counties that compose the San Luis valley, as well as Huerfano county and a portion of Las Animas county.

(b) Certain residents of the San Luis Valley filed a lawsuit against the state under section 2 of the federal "Voting Rights Act", 42 U.S.C. sec. 1973, alleging that the current boundaries of representative district 60 deny Hispanics the right to elect representatives of their choice.

(c) After the United States district court for the district of Colorado ruled in favor of the state, *Sanchez v. State of Colorado*, 861 F.Supp. 1516 (D.Colo. 1994), the United States tenth circuit court of appeals reversed the district court decision and ordered the state to redraw the boundaries of representative district 60 consistent with section 2 of the Voting Rights Act of 1965. *Sanchez v. State of Colorado*, 97 F.3d 1303 (10th Cir. 1996).

(d) House joint resolution 97-1045 established an interim committee to redraw the boundaries of representative districts 44, 45, 46, 47, 60, and 61 consistent with the opinion of the tenth circuit court of appeals.

(e) In September of 1997, the interim committee conducted public hearings in the affected areas. The committee heard testimony from residents of the San Luis valley and other parts of southern Colorado about regions that have common interests and regions where interests may conflict.

(f) Following the public hearings, the committee considered nine proposed plans of redistricting and voted to adopt five preliminary plans. Copies of the preliminary plans were distributed to interested parties and made available on the internet through the general assembly's home page.

(g) In October of 1997, the interim committee again conducted public hearings in the affected areas for comments on the five preliminary plans. The committee heard testimony that residents of Center in Saguache county should be included in the new representative district 60 and that representative district 46 in Pueblo should be drawn to keep communities with common interests together.

(h) The interim committee considered the testimony and discussed seven amendments to the preliminary plans before adopting its final recommendation to the second regular session of the sixty-first general assembly.

(2) The definition of areas to be included in each representative district is by reference to counties and to official census tracts, census divisions, census block groups, and census blocks, created by the United States bureau of the census to which fixed population counts have been assigned as of the year 1990.

(3) The representative districts 44, 45, 46, 47, 60, and 61 are defined as follows:

(a) **District 44:** The counties of Custer, Fremont, and Teller and the following portions of Pueblo county: Block groups 1, 2, 3, 4, and 5 and blocks 642, 643A, 644, 645, 646, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, and 679 in tract 28.04; block group 2 and blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 140, 141, 144, 145, 146, 147, 148, 149, 150, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 196, 197, and 199 in tract 28.06 ; and blocks 203, 204, 205, 206, 207, 208, 209, 315, 316A, 316B, 317, 318A, 318B, 318C, 318D, and 319 in tract 28.07.

(b) **District 45:** The following portions of Pueblo county: Tracts 9.03, 9.04, 9.05, 16, 17, 28.02, 29.03, 29.05, 33, and 34; block group 1 and blocks 201, 202, 203, 204, 216, 217, 218, 219, 220, 301, 302, 303, 304, 305, 306, 307, 308, and 309 in tract 1; block groups 1 and 2 and blocks 301, 302, 303, and 304 in tract 4; blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 116, 121, 122, 123, 140, 141, 213, 220, 221, 224, 301, 304, 305, 308, 309, 312, 313, 314, 318, 319, 322, 323, 324, 401, 402, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 418, and 421 in tract 5; blocks 322, 323, 324, 325, 326, 327, and 328 in tract 6; block groups 2, 3, and 4 and blocks 101, 102, 103, 104, 106, 124, 125, 126, 127, 128, and 129 in tract 9.02; block 101B in tract 13; blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 204, 212, 213, 220, 224, 225, 226, 227, and 228 in tract 15; block groups 1 and 2 and blocks 301, 302, 303, 304, 305, 306, 307, 310, 311, 312, 313, and 316 in tract 18; blocks 106, 107, 108, and 114 in tract 19; blocks 135, 136, 137, 138, 139, and 194 in tract 28.06; that part of tract 28.07 that is not in district 44; block groups 1, 2, 4, 5, 6, 7, 8, and 9 and blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 399B, 699A, and 799 in tract 29.04; block group 2 and blocks 101A, 102, 103, 104, 105, 106, 107, 109, 110, 299A, 299B, and 299C in tract 30.01; blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 111A, 111B, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161A, 161B, 162, 163, 166, 167, 199A, and 199B in tract 30.03; blocks 102A, 102B, 102C, 103A, 103B, 104, 105, 106, 107, 108, 109, and 110 in tract 30.04; block groups 1 and 3 and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 212, 223, 224, 225, 226, 227, 228, 401, 402, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 415, 416, 699, 901, 902, 903, 904, 905, 906, 910, 911, 912, 913, 914, 915, 920, 922, 923, 925, 999A, 999B, and 999C in tract 31.01; block groups 1, 3, and 7 and blocks 201, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 220, 222, 224, and 225 in tract 31.02; and blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 155, 156, 157, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199A, 199B, 199C, and 199D in tract 32.

(c) **District 46:** The following portions of Pueblo county: Tracts 2, 3, 7, 14, 22, 23, 24, 25, 26, 27, 28.01, 28.08, and 29.01; those parts of tracts 1, 4, 5, 6, 15, 18, 19, and 29.04 that are not in district 45; block group 1 and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 219, 401, 402, 407, 412, 413, 417, 418, 419, 420, 421, and 422 in tract 8; block groups 2 and 3 in tract 13; block groups 3, 4, and 5 and blocks 208, 209, 210, 211, 212, 213, and 215 in tract 20; block groups 2 and 3 and blocks 102, 103, 104, 105, 106A, 106B, 110, and 113 in tract 21; and that part of tract 28.06 that is not in district 44 or 45.

(d) **District 47:** The counties of Baca, Bent, Crowley, Las Animas, and Otero and the following portion of Huerfano county: Block groups 6 and 7 and blocks 123A, 167A, 168, 169, 170, 171, 172, 173, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199B, 199C, 309A, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324A, 325A, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338A, 339A, 340, 341, 342A, 343A, 344A, 345A, 346, 347, 348, 349, 350A, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367A, 368A, 369A, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420A, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 503A, 503B, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549A, and 549B in tract 98.06; and blocks 119, 154, 155, 156, 157, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 199A, 199B, 199C, 199D, 201, 202, 203A, 209A, 211A, 212A, 213A, 214A, 214B, 214C, 215, 216A, 216B, 217, 218A, 218B, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248A, 249, 250, 251, 252, 253, 254, 255, 256A, 256B, 257A, 257B, 257C, 258A, 258B, 259, 260, 261, 262, 263, 264, 265, 266A, 266B, 267, 268A, 268B, 269, 270, 271, 272, 299A, 299B, 299C, 299D, 299E, 299F, 299G, 299H, 299J, 317, 318, 319, 320, 321, 322, 324, 326, 328, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 399A, 399B, 399C, and 399D in tract 98.07.

(e) **District 60:** The counties of Alamosa, Conejos, and Costilla and the following portions of Huerfano, Pueblo, Rio Grande, and Saguache Counties:

(I) Huerfano: Tract 98.08; and those parts of tracts 98.06 and 98.07 that are not in district 47.

(II) Pueblo: Those parts of tracts 9.02, 30.01, 30.03, 30.04, 31.01, 31.02, and 32 that are not in district 45; those parts of tracts 8, 20, and 21 that are not in district 46; that part of tract 28.04 that is not in district 44; and that part of tract 13 that is not in district 45 or 46.

(III) Rio Grande: Block group 1 and blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 236, 237, 238, 239A, 239B, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299 in tract 97.66; and block group 3 and blocks 101A, 101B, 101C, 101D, 102, 103A, 103B, 103C, 104A, 104B, 104C, 104D, 104E, 104F, 104G, 105, 106, 107A, 107B, 108A, 108B, 109, 110A, 110B, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139A, 139B, 139C, 140, 141, 142, 145, 146, 147, 148, 152, 153, 154, 155, 156, 157, 158, 159, 160, 199A, 199B, 199C, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215A, 215B, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 235A, 235B, 238, 239, 240, 241, 242, 243, 244, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416A, 416B, 416C, 417A, 417B, 418A, 418B, 418C, 419, 420, 421, 422, 423A, 423B, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457A, 457B, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472A, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 487, and 490 in tract 97.67.

(IV) Saguache: Block 366, 569, 571, 572, 573, 574, 578, 580, 581, 582, 583, 584, 596, 597, and 599C in tract 97.76; and block groups 2 and 3 and blocks 101, 102, 103, 104, 105, 106, 107, 108, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 199, 481, 484, 485, 486, 488, 489, 490, 491, 492, 493, 494, and 495 in tract 97.77.

(f) **District 61:** The counties of Chaffee, Gunnison, Hinsdale, Mineral, Lake, and Park and the following portions of Pitkin, Rio Grande, and Saguache counties:

(I) That part of Pitkin county that is not in district 57.

(II) That part of Rio Grande county that is not in district 60.

(III) That part of Saguache county that is not in district 60.

(4) The county clerk and recorder of each county affected by the redistricting plan specified in this section shall establish precinct boundaries in accordance with section 1-5-101, C.R.S., so that no precinct includes territory in more than one representative, senatorial, or congressional district.

(5) The representative districts specified in this section shall be in effect for the 1998 general election and subsequent elections until a new redistricting plan is approved pursuant to article V, section 48, of the state constitution.

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MEMORANDUM D¹

TO: Statutory Revision Committee

FROM: Kate Meyer, Office of Legislative Legal Services

DATE: August 10, 2016

SUBJECT: Addressing outdated and unconstitutional congressional district provisions in § 2-1-101, C.R.S.

Summary

The General Assembly is constitutionally tasked with setting the boundaries of Colorado's Congressional districts following each new federal apportionment. Section 2-2-201, C.R.S., which contains the boundaries of Congressional districts made in a 2003 statutory amendment, have been rendered inaccurate by both a subsequent court decision and decennial redistricting.²

This issue came to the attention of the Office of Legislative Legal Services' staff during its annual prepublication review of title 2, C.R.S.

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

² "In its technical sense 'apportionment' refers to the redistribution of seats in established units of government, such as the United States House of Representatives. 'Redistricting' signifies line-drawing to establish new districts within these units. Congress 'apportions' the House of Representatives and the state 'districts.'" *Carstens v. Lamm*, 543 F. Supp. 68, 72 (D. Colo. 1982) (internal citations omitted).

Analysis

1. Senate Bill 03-352, which enacted the Congressional boundaries contained in subsection (1) of § 2-1-101, C.R.S., was held unconstitutional by the Colorado Supreme Court.

Section 44 of article V of the Colorado constitution requires the General Assembly to modify the state's Congressional districts subsequent to each new apportionment by Congress:

Section 44. Representatives in congress. The general assembly shall divide the state into as many congressional districts as there are representatives in congress apportioned to this state by the congress of the United States for the election of one representative to congress from each district. When a new apportionment shall be made by congress, the general assembly shall divide the state into congressional districts accordingly.

State law provides that for the purpose of fulfilling the General Assembly's redistricting mandate under article V, section 44 of the state constitution, "a new apportionment occurs after each federal decennial census."³

The 2000 census resulted in Colorado gaining a seventh seat in the United States House of Representatives. Pursuant to its duty to redistrict, the General Assembly attempted to enact a new plan, but was unsuccessful. Consequently, suit was filed in Denver District Court, which adopted a plan proposed by an intervening party. This judgment was affirmed by the Colorado Supreme Court in 2002.⁴ During the 2003 legislative session, the General Assembly enacted a new redistricting plan to replace the court-ordered plan (Senate Bill 03-352). However, the Colorado Supreme Court ruled that the bill was unconstitutional:

We now turn to the question of whether SB 03-352 violates the Colorado Constitution. We hold that it does. We base our holding on Article V, Section 44, of the Colorado Constitution, which prohibits congressional redistricting more than once per decade. More specifically, Article V, Section 44: (1) requires congressional redistricting after a national census and before the ensuing general election; and (2) prohibits redistricting outside of this window. We recognize

³ § 2-2-901 (1) (a), C.R.S. "Moreover, the one-person, one-vote doctrine firmly requires redistricting after each national census." *People ex rel. Salazar v. Davidson*, 79 P.3d 1221, 1237 (Colo. 2003), cert. denied, 541 U.S. 1093, 124 S. Ct. 2228, 159 L. Ed. 2d 260 (2004). (citing *Georgia v. Ashcroft*, 539 U.S. 461, 156 L. Ed. 2d 428, 123 S. Ct. 2498, 2516 n.2 (2003)).

⁴ *Beauprez v. Avalos*, 42 P.3d 642 (Colo. 2002).

and emphasize that the General Assembly has primary responsibility for drawing congressional districts. But we also hold that when the General Assembly fails to provide a constitutional redistricting plan in the face of an upcoming election and courts are forced to step in, these judicially-created districts are just as binding and permanent as districts created by the General Assembly. We further hold that regardless of the method by which the districts are created, the state constitution prohibits redrawing the districts until after the next decennial census.⁵

Although that decision was announced in 2003, § 2-1-101, C.R.S., has not been amended to reflect the holding. Consequently, subsection (1) of that statute⁶ lists the Congressional boundaries as those boundaries were enacted in Senate Bill 03-352.

2. The Congressional boundaries contained in subsection (1) of § 2-1-101, C.R.S., are otherwise void by virtue of the most recent redistricting.

Subsection (8) of § 2-1-101, C.R.S., provides that "[t]he provisions of this section shall apply to the general election in 2004 and subsequent years until the congressional districts are again reapportioned". So, even without the intervening *People ex rel. Salazar* decision, the district boundaries currently reflected in § 2-1-101 (1), C.R.S., ceased to apply following the next redistricting.

The most recent federal census was conducted in 2010. Although Colorado continued to be entitled only to seven representatives in the United States House of Representatives, the census revealed that the existing districts were malapportioned due to population growth and movement. During the 2011 legislative session, the General Assembly introduced several congressional redistricting maps to cure the malapportionment, but none of the plans passed. Consequently, several plaintiffs sued the Secretary of State in Denver District Court to enjoin the use of the existing congressional districts and to replace them with new districts. On November 10, 2011, the trial court issued an order declaring the current congressional districts unconstitutional and adopting a plan proffered by one of the plaintiffs. The Colorado Supreme Court affirmed the trial court's order.⁷

⁵ *People ex rel. Salazar v. Davidson*, supra note 4, at 1231.

⁶ § 2-1-101, C.R.S., is reproduced in its entirety as **Addendum A** to this memorandum.

⁷ The Colorado Supreme Court's affirmation was initially made via an order and mandate issued on December 5, 2011. The written opinion followed several months later in *Hall v. Moreno*, 270 P.3d 961 (Colo. 2012).

Because the district boundaries currently contained in § 2-1-101 (1), C.R.S., have been supplanted by the Congressional district plan based on the 2010 federal census results, the statutory boundaries are incorrect.

Statutory Charge⁸

Section 2-1-101, C.R.S., contains outdated Congressional district boundaries and is thus antiquated. Repealing or updating the obsolete portions of this statute would bring the law into harmony with modern conditions.

Proposed Bill

If the Statutory Revision Committee desires the Office of Legislative Legal Services to prepare a bill draft that remedies the unconstitutional and obsolete provisions of section 2-1-101, C.R.S., the Committee has three options:

1. Repeal all of § 2-1-101, C.R.S., which pertains to the obsolete congressional districts.
2. Repeal the portions of § 2-1-101, C.R.S., that were amended by Senate Bill 03-352 (i.e., subsections (1), (2), (5) (b), and (8)), as the entirety of that bill was declared unconstitutional in *People ex rel. Salazar v. Davidson*.
3. Repeal those portions of § 2-1-101, C.R.S., held to be unconstitutional and replace the obsolete district boundaries with those adopted by the court in 2011.

The Committee should also be advised that "[r]edistricting is an incredibly complex and difficult process that is fraught with political ramifications and high emotions"⁹ and, as such, any bill relating to that topic has the potential to become controversial.

⁸ The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions". Section 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." Section 2-3-902 (3), C.R.S.

⁹ *Hall v. Moreno*, supra note 8, at 963.

ADDENDUM A

COLORADO REVISED STATUTES

2-1-101. Congressional districts. (1) For the election of representatives to congress, the state of Colorado is divided into seven congressional districts as follows:

(a) The first congressional district shall consist of the city and county of Denver and the following portions of the following counties:

(I) Adams county: Blocks 1000 and 1001 of block group 1 of tract 83.09.

(II) Arapahoe county: Tracts 49.50 and 53.50; blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, and 2043 of block group 2 of tract 55.51; tract 55.52; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1010, and 1998 of block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3009, 3010, 3011, and 3012 of block group 3 of tract 55.53; blocks 2027, 2028, and 2029 of block group 2 of tract 57; blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, and 1018 of block group 1 of tract 60; blocks 4009, 4010, 4011, 4012, 4013, 4017, 4018, 4021, 4022, 4023, and 4037 of block group 4 of tract 62; block 2000 of block group 2 of tract 67.10; blocks 3024, 3025, and 3026 of block group 3 of tract 68.07; tracts 69.51, 69.52, 70.15, and 70.16; block group 1, blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019 of block group 2, and block groups 3, 4, and 5 of tract 70.54; blocks 1001, 1002, 1003, 1006, 1007, 1008, 1011, and 1012 of block group 1, blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, and 2018 of block group 2, and block group 3 of tract 70.60; tracts 72.01 and 72.02; block groups 3, 4, 5, and 6 of tract 73; block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, and 2009 of block group 2, and block groups 3 and 4 of tract 74; blocks 1014 and 1016 of block group 1 and block groups 2 and 3 of tract 77.03; and tract 77.04.

(III) Jefferson county: Blocks 2002, 2003, 2004, 2005, and 2024 of block group 2 of tract 119.04.

(b) The second congressional district shall consist of the counties of Clear Creek, Eagle, Gilpin, Park, Pitkin, and Summit and the following portions of the following counties:

(I) Adams county: Tracts 85.05, 85.06, 85.07, and 85.08; blocks 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1024, 1025, 1026, 1027, 1033, 1034, 1035, 1036, 1037, 1038, 1041, 1046, 1047, 1049,

1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, and 1122 of block group 1 of tract 85.12; tracts 85.15, 85.16, 85.20, 85.21, and 85.22; blocks 1015, 1016, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1040, 1041, 1042, 1043, 1045, 1046, 1061, 1062, 1063, 1092, 1094, 1095, 1096, 1100, 1101, 1104, 1105, 1106, 1107, 1108, 1114, 1115, 1116, 1117, 1118, 1119, 1120, and 1997 of block group 1 and block groups 2 and 3 of tract 85.23; tracts 85.24, 85.25, 85.26, 85.27, 85.28, 85.29, and 85.30; block groups 1, 2, 3, and 4 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, and 5068 of block group 5 of tract 85.31; tracts 85.33, 85.34, 86.03, 86.04, 86.05, and 86.06; blocks 3027, 3028, 3030, 3050, 3051, 3057, 3081, 3089, 3090, 3091, and 3092 of block group 3 of tract 88.02; tracts 90.01, 90.02, 90.03, and 91.01; block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022 of block group 2 of tract 91.03; tracts 91.04, 92.02, 92.03, 92.04, 92.05, 93.04, 93.06, 93.07, 93.08, 93.09, 93.10, 93.16, 93.18, 93.19, 93.20, 93.21, 93.22, 93.23, 93.24, 93.25, 94.01, 94.06, 94.07, 94.08, 94.09, 94.10, 94.11, and 95.01; block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, and 3999 of block group 3 of tract 95.02; block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, and 2024 of block group 2 of tract 95.53; tracts 96.03 and 96.04; block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010 of block group 2 of tract 96.06; tract 96.07; and blocks 1000, 1002, 1003, and 1020 of block group 1 of tract 96.08.

(II) Boulder county: Tracts 121.01, 121.02, 121.04, 121.05, 121.06, 122.02, 122.03, 122.05, 122.06, 123, 124.01, 125.01, 125.05, 125.07, 125.08, 125.09, 125.10, 125.11, 126.03, 126.05, 126.06, 127.01, 127.05, 127.07, 127.08, 127.09, 127.10, 128, 129.03, 129.04, 129.05, 129.06, 129.07, 129.08, 130.03, 130.04, 130.05, 130.06, 130.07, 131.04, 131.06, 131.07, 131.08, 131.09, 131.10, and 131.11; blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1070, 1081, 1082, and 1997 of block group 1 of tract 132.01; tract 132.02; block group 1, blocks 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, and 2051 of block group 2, and block group 3 of tract

132.05; blocks 3077, 3078, 3081, 3082, 3083, 3084, 3085, and 3086 of block group 3 of tract 132.09; blocks 2040, 2041, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, and 2999 of block group 2 of tract 132.11; and tracts 136.01, 136.02, 137.01, and 137.02.

(III) Grand county: Blocks 1594, 1595, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, and 1639 of block group 1 of tract 1; and blocks 2413, 2415, 2416, 2417, 2429, 2430, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2472, 2473, 2474, 2475, 2476, 2477, 2478, and 2495 of block group 2 and block group 4 of tract 2.

(IV) Jefferson county: Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2020, and 2021 of block group 2 of tract 120.30; blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2036, 2037, 2092, 2093, 2094, 2095, 2096, 2097, 2101, 2104, 2105, 2110, 2111, 2112, 2113, 2114, 2996, and 2997 of block group 2, block group 3, and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, and 4014 of block group 4 of tract 98.08; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1014, 1016, and 1017 of block group 1, blocks 2000, 2001, 2002, 2011, 2012, 2016, 2017, 2018, 2019, 2020, 2021, 2023, 2024, 2025, 2026, 2027, 2032, 2033, 2034, 2053, 2054, 2055, 2056, 2092, 2093, 2108, 2110, 2114, and 2999 of block group 2 of tract 98.22; and block group 1 of tract 98.25; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, and 1026 of block group 1 and blocks 2004, 2005, 2006, 2007, 2008, and 2009 of block group 2 of tract 98.26; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1048, 1049, 1050, and 1051 of block group 1 of tract 98.44; block 1018 of block group 1 of tract 98.46; and block groups 1 and 2 of tract 98.48.

(V) Weld county: Blocks 4072, 4073, 4077, 4078, 4079, 4080, 4081, 4107, 4108, 4109, 4111, 4112, 4113, 4114, 4117, 4118, 4119, 4122, 4123, 4124, and 4126 of block group 4 of tract 20.02; and blocks 1108, 1113, 1114, 1116, 1149, 1150, 1155, 1156, and 1157 of block group 1 of tract 20.03.

(c) The third congressional district shall consist of the counties of Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Dolores, Garfield, Gunnison, Hinsdale, Jackson, La Plata, Lake, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, and San Miguel and the following portions of the following counties:

(I) Fremont county: Blocks 1009 and 1010 of block group 1 of tract 9781; blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, and 1997 of block group 1 and block groups 2 and 3 of tract 9782; tracts 9783, 9784, 9785, 9786, 9787, 9788, 9790, 9791, and tract 9792; blocks 1010 and 1011 of block group 1 and block group 2 of tract 9793; and tract 9794.

(II) Grand county: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358,

1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1596, 1597, 1598, 1599, 1610, 1611, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, and 1999 of block group 1 and block group 2 of tract 1; and block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275,

2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2414, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2431, 2432, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, and 2999 of block group 2, and block group 3 of tract 2.

(III) Pueblo county: Tracts 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 22, 23, 24, 25, 26, 27, 28.01, 28.02, 28.04, 28.06, 28.07, 28.08, and 29.01; block group 1 and blocks 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, and 2047 of block group 2 of tract 29.03; blocks 1001, 1002, 1003, 1004, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, and 1069 of block group 1, blocks 2011, 2012, 2013, 2014, 2021, and 2023 of block group 2, blocks 3000, 3001, 3002, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, and 3048 of block group 3, block group 4, and blocks 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5070, 5071, 5072, 5073, 5074, 5075, 5076, 5077, 5078, 5079, 5080, 5081, 5082, 5083, 5084, 5085, 5086, 5087, 5088, 5089, 5090, 5091, 5092, and 5093 of block group 5 of tract 29.05; tracts 29.06, 29.07, 29.08, 29.09, and 3; blocks 1000, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, and 1036 of block group 1 and blocks 2021, 2022, 2023, 2024, 2025, 2026, 2027, and 2028 of block group 2 of tract 30.01; blocks 1004, 1005, 1006, 1007, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024,

1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1126, and 1127 of block group 1 of tract 30.03; tract 30.04; blocks 1006, 1016, 1017, 1018, 1019, 1020, 1025, 1026, and 1027 of block group 1 and blocks 2016, 2019, 2020, 2021, 2022, and 2023 of block group 2 of tract 31.03; block 2233 of block group 2 of tract 32; and tracts 4, 5, 6, 7, 8, 9.02, 9.03, 9.04, and 9.05.

(d) The fourth congressional district shall consist of the counties of Bent, Cheyenne, Kiowa, Kit Carson, Larimer, Lincoln, Logan, Morgan, Phillips, Prowers, Sedgwick, Washington, and Yuma and the following portions of the following counties:

(I) Boulder county: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1998, and 1999 of block group 1 of tract 132.01; blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, and 2009 of block group 2 of tract 132.05; tracts 132.07 and 132.08; block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3079, 3080, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, and 3095 of block group 3 of tract 132.09; tract 132.10; block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2042, 2063, 2064, 2065, 2066, and 2067 of block group 2, and block group 3 of tract 132.11; and tracts 133.02, 133.05, 133.06, 133.07, 133.08, 134.01, 134.02, 135.01, 135.03, and 135.04.

(II) Weld county: Tracts 1, 10.01, 10.02, 11, 12.01, 12.02, 13, 14.01, 14.02, 14.03, 14.04, 15, 16, 17, 18, 19.02, 19.03, 19.04, 2, and 20.01; block groups 1, 2, and 3 and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026,

4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4074, 4075, 4076, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4110, 4115, 4116, 4120, 4121, 4125, 4127, 4128, and 4129 of block group 4 of tract 20.02; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1109, 1110, 1111, 1112, 1115, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1151, 1152, 1153, 1154, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1998, and 1999 of block group 1 and block group 2 of tract 20.03; and tracts 21, 22.01, 22.02, 23, 25.01, 25.02, 3, 4.01, 4.02, 5, 6, 7.01, 7.02, 8, and 9.

(e) The fifth congressional district shall consist of the counties of Baca, Crowley, El Paso, Huerfano, Las Animas, Otero, and Teller and the following portions of the following counties:

(I) Fremont county: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, and 1999 of block group 1 and block groups 2 and 3 of tract 9781; blocks 1000, 1001, 1002, 1059, 1998, and 1999 of block group 1 of tract 9782; and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1998, and 1999 of block group 1 of tract 9793.

(II) Pueblo county: Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2013, and 2014 of block group 2 of tract 29.03; blocks 1000, 1005, and 1006 of block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017, 2018, 2019, 2020, and 2022 of block group 2, blocks 3003, 3004,

3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, and 3049 of block group 3, blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5050, 5051, 5052, 5053, 5054, 5055, 5094, 5095, and 5096 of block group 5, and block group 9 of tract 29.05; blocks 1001, 1002, 1003, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, and 1023 of block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2998, and 2999 of block group 2 of tract 30.01; and blocks 1000, 1001, 1002, 1003, 1008, 1009, 1010, 1011, 1012, 1013, and 1125 of block group 1 of tract 30.03; tract 31.02; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1021, 1022, 1023, 1024, and 1028 of block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2018, and 2999 of block group 2, and block groups 3 and 4 of tract 31.03; tract 31.04; block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, and 2999 of block group 2, and block group 3 of tract 32; and tract 34.

(f) The sixth congressional district shall consist of the county of Douglas and the following portions of the following counties:

(I) Arapahoe county: Block group 1 and blocks 2000, 2001, 2002, and 2003 of block group 2 of tract 55.51; blocks 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, and 1999 of block group 1, block group 2, and blocks 3007, 3008, 3013, 3014, 3015, 3016, 3017, 3018, and 3019 of block group 3 of tract 55.53; blocks 1000, 1001, 1002, 1003, 1007, 1010, 1011, 1012, 1013, 1014, and 1015 of block group 1, blocks 2005, 2006, 2007, and 2008 of block group 2, blocks 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, and 3021 of block group 3, and block group 4 of tract 56.11; tract 56.12; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1024, 1025, 1026, 1027, 1028, and 1999 of block group 1 and block group 2 of tract 56.13; block 3005 of block group 3 of tract 56.14; tracts 56.19, 56.20, 56.21, 56.22, 56.23, and 56.24; blocks 1009 and 1015 of block group 1 and block 2030 of block group 2 of tract 56.25; block group 1 and blocks 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2018, 2020, 2021, 2022, 2023, 2024, 2025, 2026, and 2027 of block group 2 of tract 56.32; tracts 56.33 and 56.34; block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, and 2044 of block group 2, and block group 3 of tract 57; tracts 58, 59.51, and 59.52; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, and 1047 of block group 1 and block groups 2 and 3 of tract 60; tract 61; block groups 1, 2, and 3, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4014, 4015, 4016, 4019, 4020, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, and 4036 of block group 4 of tract 62; tracts 63, 64, 65.01, 65.02, 66.01, 66.03, 66.04, 67.04, and 67.05; block groups 2 and 3, and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4010, 4011, 4012, 4013, and 4017 of block group 4 of tract 67.07; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, and 1025 of block group 1, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010 of block group 2, and block group 3 of tract 67.10; block 2005 of block group 2 of tract 67.11; block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, and 3023 of block group 3 of tract 68.07; tract 68.08; block 1000 of block group 1 and blocks 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, and 3017 of block group 3 of tract 68.15; blocks 1000 and 1025 of block group 1 and block 2029 of block

group 2 of tract 68.16; and blocks 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, and 1039 of block group 1 of tract 68.54.

(II) Jefferson county: Tracts 100 and 101; blocks 1019 and 1021 of block group 1 of tract 105.03; blocks 1003 and 1004 of block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and 2010 of block group 2, block group 3, and blocks 4000, 4001, 4009, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, and 4039 of block group 4 of tract 105.04; blocks 3008, 3009, 3010, 3012, 3015, 3021, 3024, and 3025 of block group 3 of tract 107.02; tracts 108.01, 108.03, 108.04, 109.01, 109.02, 110, 111, 112.01, 112.02, 113, 114, 115.50, 116.01, 116.02, 117.01, 117.02, 117.08, 117.09, 117.10, 117.11, 117.12, 117.20, 117.21, 117.22, 117.23, 117.24, 117.25, 117.26, 117.27, 117.28, 117.29, 117.30, 117.31, 118.01, 118.03, and 118.04; block group 1 and blocks 2000, 2001, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, and 2023 of block group 2 of tract 119.04; tracts 119.51, 120.03, 120.22, 120.23, 120.24, 120.26, and 120.27; block group 1, block 2019 of block group 2, and block groups 3 and 4 of tract 120.30; tracts 120.31, 120.32, 120.33, 120.34, 120.35, 120.36, 120.37, 120.38, 120.39, 120.40, 120.41, 120.42, 120.43, 120.44, 120.45, 120.46, 120.47, 120.48, 120.49, 120.50, 120.51, 120.52, 120.53, 120.54, 120.55, 120.56, 120.57, and 120.58; blocks 2011, 2012, 2014, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, and 2037 of block group 2, blocks 3034, 3035, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, and 3045 of block group 3, and blocks 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4062, 4063, 4064, 4065, and 4066 of block group 4 of tract 98.05; block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2024, 2025, 2028, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, and 2115 of block group 2 of tract 98.06; tract 98.07; block group 1, blocks 2098, 2099, and 2100 of block group 2, and blocks 4015, 4016, 4017, 4018, 4019, 4020, 4021, and 4022 of block group 4 of tract 98.08; block group 1 and block 2038 of block group 2 of tract 98.42; block groups 1 and 2, blocks 3005, 3006,

3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, and 3071 of block group 3, and blocks 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4037, 4038, and 4039 of block group 4 of tract 98.43; blocks 1046 and 1047 of block group 1 and block groups 2, 3, 4, 5, and 6 of tract 98.44; tract 98.45; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, and 1028 of block group 1 and block groups 2, 3, and 4 of tract 98.46; tract 98.47; block group 3 of tract 98.48; and tract 99.

(g) The seventh congressional district shall consist of the county of Elbert and the following portions of the following counties:

(I) Adams county: Tracts 78, 79, 80, 81, 82, and 83.08; blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, and 1066 of block group 1 and block groups 2 and 3 of tract 83.09; tracts 83.53, 83.85, 84.01, and 84.02; and blocks 1000, 1001, 1002, 1003, 1004, 1008, 1023, 1028, 1029, 1030, 1031, 1032, 1039, 1040, 1042, 1043, 1044, 1045, 1048, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, and 1999 of block group 1 of tract 85.12; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011,

1012, 1013, 1014, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1036, 1037, 1038, 1039, 1044, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1093, 1097, 1098, 1099, 1102, 1103, 1109, 1110, 1111, 1112, 1113, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1996, 1998, and 1999 of block group 1 of tract 85.23; block 5028 of block group 5 of tract 85.31; tracts 87.01, 87.03, 87.05, 87.06, and 88.01; block groups 1 and 2, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3029, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3052, 3053, 3054, 3055, 3056, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3093, and 3094 of block group 3, and block group 4 of tract 88.02; tracts 89.01 and 89.52; block 2006 of block group 2 of tract 91.03; blocks 3011, 3012, 3013, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, and 3037 of block group 3 of tract 95.02; blocks 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, and 2078 of block group 2 of tract 95.53; blocks 2011 and 2012 of block group 2 of tract 96.06; blocks 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, and 1019 of block group 1 and block group 2 of tract 96.08; and tract 97.50.

(II) Arapahoe county: Blocks 1004, 1005, 1006, 1008, 1009, and 1016 of block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020 of block group 2, and blocks 3000, 3001, 3002, 3003, 3004, 3022, 3023, 3024, 3025, 3026, and 3027 of block group 3 of tract 56.11; blocks 1020, 1021, 1022, and 1023 of block group 1 and block groups 3, 4, and 5 of tract 56.13; block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, and 3018 of block group 3 of tract 56.14; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, and 1014 of block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, and 2029 of block group 2 of tract 56.25; tracts 56.26, 56.27, 56.28, 56.29, 56.30, and 56.31; and blocks

2000, 2001, 2002, 2003, 2004, 2005, 2013, 2014, 2015, 2016, 2017, 2019, 2028, 2029, 2030, 2031, and 2032 of block group 2 of tract 56.32; tract 67.06; block group 1, blocks 4007, 4008, 4009, 4014, 4015, and 4016 of block group 4, and block group 5 of tract 67.07; tracts 67.08 and 67.09; blocks 1012, 1013, 1014, and 1015 of block group 1 of tract 67.10; block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020 of block group 2, and block groups 3 and 4 of tract 67.11; blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, and 1011 of block group 1, block group 2, and blocks 3000, 3001, 3002, 3003, 3018, 3019, 3020, 3021, 3022, and 3023 of block group 3 of tract 68.15; blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1998, and 1999 of block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, and 2059 of block group 2, and block group 3 of tract 68.16; blocks 1000, 1004, 1019, 1020, 1021, 1040, 1041, 1042, 1043, and 1999 of block group 1 of tract 68.54; tracts 70.03, 70.07, 70.08, 70.17, 70.18, 70.19, 70.20, 70.21, 70.22, 70.27, 70.28, 70.33, 70.35, 70.38, 70.39, 70.40, 70.41, 70.43, 70.45, 70.46, 70.47, 70.48, 70.52, and 70.53; blocks 2000 and 2001 of block group 2 of tract 70.54; tract 70.58; blocks 1000, 1004, 1005, 1009, and 1010 of block group 1 and blocks 2000, 2001, 2002, 2003, and 2004 of block group 2 of tract 70.60; tracts 70.61, 70.62, 70.63, 70.64, 70.65, 70.66, 70.67, 70.68, 70.69, 70.70, 70.71, 70.72, 70.73, 70.74, 70.75, 70.76, 70.77, 70.78, 70.79, 70.80, 70.81, 70.82, 70.83, 70.84, 70.85, 70.86, 70.87, 71.01, and 71.02; block groups 1 and 2 of tract 73; block 2006 of block group 2 of tract 74; tracts 75, 76, and 77.02; and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, and 1015 of block group 1 of tract 77.03.

(III) Jefferson county: Tracts 102.05, 102.06, 102.08, 102.09, 102.10, 102.11, 102.12, 102.13, 103.03, 103.04, 103.05, 103.06, 103.07, 103.08, 104.02, 104.03, 104.05, 104.06, and 105.02; blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, and 1020 of block group 1 and block groups 2 and 3 of tract 105.03; blocks 1000, 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, and 1022 of block group 1, blocks 2011 and 2012 of block group 2, and blocks 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4025, and 4026 of block group 4 of tract 105.04; tracts 106.03, 106.04, and

107.01; block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3011, 3013, 3014, 3016, 3017, 3018, 3019, 3020, 3022, and 3023 of block group 3 of tract 107.02; block group 1, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2015, 2016, 2017, 2018, 2019, 2020, and 2021 of block group 2, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3036, 3046, 3996, 3997, 3998, and 3999 of block group 3, and blocks 4000, 4001, 4002, 4029, 4030, 4031, 4032, 4033, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4067, and 4068 of block group 4 of tract 98.05; blocks 2020, 2021, 2022, 2023, 2026, 2027, and 2029 of block group 2 of tract 98.06; blocks 2000, 2001, 2002, 2003, 2004, 2031, 2032, 2033, 2034, 2035, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2102, 2103, 2106, 2107, 2108, 2109, 2998, and 2999 of block group 2 of tract 98.08; tract 98.15; blocks 1011, 1012, 1013, 1015, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1998, and 1999 of block group 1, blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2022, 2028, 2029, 2030, 2031, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2109, 2111, 2112, 2113, 2115, 2116, and 2117 of block group 2, and block group 3 of tract 98.22; tracts 98.23 and 98.24; block groups 2 and 3 of tract 98.25; blocks 1006 and 1014 of block group 1, blocks 2000, 2001, 2002, 2003, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, and 2019 of block group 2, and block groups 3 and 4 of tract 98.26; tracts 98.27, 98.28, 98.29, 98.30, 98.31, 98.32, 98.33, 98.34, 98.35, 98.36, 98.37, 98.38, 98.39, 98.40, and 98.41; blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, and 2037 of block group 2 of tract 98.42; and blocks 3000, 3001, 3002, 3003, and 3004 of block group 3, and blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4027, 4028, 4036, 4040, 4041, 4042, 4043, and 4999 of block group 4 of tract 98.43.

(2) The general assembly recognizes that the city and county of Broomfield was created after the most recent federal census was conducted; consequently, for the purposes of this section, the definition of areas to be included in each congressional district is by reference to counties and to official census tracts, census block groups, and census blocks created by the United States bureau of the census to which fixed population counts have been assigned as of the year 2000.

(3) If any area of this state is omitted from the provisions of this section, inadvertently or by virtue of the complexities of the information supplied to the general assembly, the secretary of state, upon discovery of such omission, shall attach such area to the appropriate congressional district as follows:

(a) If the area is surrounded by a congressional district, the area shall be attached to such district.

(b) If the area is contiguous to two or more congressional districts, the area shall be attached to the district that has the least population according to the last preceding national census of the United States bureau of the census.

(4) If any area of this state is included in two or more congressional districts established by this section, inadvertently or by virtue of the complexities of the information supplied to the general assembly, the secretary of state, upon discovery of such inclusion, shall detach such area from the congressional district or districts having the largest population and shall designate such area as being included in the congressional district having the least population; except that, if such area is wholly surrounded by a district and by inadvertence is also included in another congressional district, the secretary of state shall designate such area as included in the district wholly surrounding such area, regardless of population.

(5) (a) (Deleted by amendment, L. 92, p. 603, § 3, effective March 24, 1992.)

(b) If any annexation occurring on or after May 9, 2003, changes a county boundary that constitutes any portion of the boundary of a congressional district defined by this article, no adjustment in the boundaries of congressional districts shall be made, but the area annexed shall constitute a separate general election precinct.

(6) Any attachment or detachment made pursuant to the provisions of subsection (3) or (4) of this section shall be certified in writing by and kept on file with the secretary of state. No change may be made in any such attachment or detachment until the congressional districts are again reapportioned.

(7) The legislative council shall prepare and file with the secretary of state copies of maps showing thereon each congressional district and the population of each district according to the official census lines, maps, and statistics as described in this

section. In the event that there is a conflict between the descriptions contained in subsection (1) of this section and the boundaries shown on the maps filed with the secretary of state, the descriptions contained in subsection (1) of this section shall prevail. The legislative council shall retain on file in its office copies of official census maps and population statistics.

(8) The provisions of this section shall apply to the general election in 2004 and subsequent years until the congressional districts are again reapportioned.

ADDENDUM B

SENATE BILL 03-352

BY SENATOR(S) Lamborn, Andrews, Arnold, Cairns, Chlouber, Hillman, Jones, May R., and Teck;

also REPRESENTATIVE(S) Fairbank, Cadman, Clapp, Crane, Harvey, May M., Mitchell, Schultheis, Spence, Spradley, and Stafford.

CONCERNING THE CONGRESSIONAL REDISTRICTING OF COLORADO WITH MINIMAL POPULATION DEVIATION.

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

SECTION 1.¹⁰

SECTION 2. 2-1-101 (2), (5) (b), and (8), Colorado Revised Statutes, are amended to read:

2-1-101. Congressional districts. (2) The general assembly recognizes that the city and county of Broomfield was created after the most recent federal census was conducted; consequently, for the purposes of this section, the definition of areas to be included in each congressional district is by reference to counties and to official census tracts, census block groups, and census blocks created by the United States bureau of the census to which fixed population counts have been assigned as of the year ~~1990~~ 2000.

(5) (b) If any annexation occurring on or after ~~March 24, 1992~~, THE EFFECTIVE DATE OF THIS PARAGRAPH (b), AS AMENDED, changes a county boundary ~~which~~ THAT constitutes any portion of the boundary of a congressional district defined by this article, no adjustment in the boundaries of congressional districts shall be made, but the area annexed shall constitute a separate general election precinct.

(8) The provisions of this section shall apply to the general election in ~~1992~~ 2004 and subsequent years until the congressional districts are again reapportioned.

¹⁰ Section 1 of SB 03-352 is identical to the statute included in **Addendum A** and therefore has not been included in this addendum.

ADDENDUM C

People ex rel. Salazar v. Davidson

Supreme Court of Colorado

December 1, 2003, Decided

Case No. 03SA133, Case No. 03SA147, Consolidated Cases

I. Introduction

The cases before us are matters of great public importance involving the fundamental rights of Colorado citizens to vote for their representatives in the United States Congress. In the closing days of the 2003 legislative session, the General Assembly enacted a bill to redraw the boundaries of Colorado's seven congressional districts. With this new law, the General Assembly intended to supplant the court-ordered 2002 redistricting plan, which governed the 2002 general election. Pitted against each other in this dispute are two strongly opposed views of the Colorado Constitution.

The Secretary of State and the General Assembly interpret the state constitution as an unlimited grant of power from the People of Colorado to the General Assembly to draw and redraw congressional district boundaries. Under this view, the General Assembly may change the congressional districts as frequently as it likes, even if an earlier General Assembly or the courts have already redrawn congressional districts since the most recent census. At the same time, these parties contend that the Attorney General has no power to ask this court to exercise its original jurisdiction to review the constitutionality of the General Assembly's districts.

The Attorney General presents a very different understanding of Colorado law. He argues that although our constitution directs the General Assembly to draw congressional boundaries, it limits the timeframe and frequency within which the General Assembly may do so. Specifically, the General Assembly may redistrict only once every ten years, and this must occur immediately after each federal census. Accordingly, the General Assembly loses its power to redistrict if it does not act within the window of time beginning after each federal census when Congress apportions seats for the U.S. House of Representatives and ending with the next general election. The Attorney General also maintains that he may petition this court to exercise its original jurisdiction to decide state constitutional issues of public importance. Similarly, the Attorney General does not oppose the Secretary of State's ability to petition this court for relief in an appropriate case.

Because of the importance of the issues raised, we exercise our discretion to decide two cases. The first is the Attorney General's constitutional challenge to the General Assembly's congressional redistricting bill. The second is the Secretary of State's separate challenge to the Attorney General's authority to bring the first case. We decide both issues as a matter of state law.

Since our constitution was ratified in 1876, the congressional redistricting provision found in Article V, Section 44, has always provided, as it does today, that the General Assembly shall redistrict the congressional seats “[w]hen a new apportionment shall be made by Congress.” There is no language empowering the General Assembly to redistrict more frequently or at any other time. To reach the result that the Secretary of State and the General Assembly would have us reach, we would have to read words into Section 44 and find that the General Assembly has implied power to redistrict more than once per census period.

We cannot do that, however, because another section of the original Colorado Constitution makes it clear that the framers carefully chose the congressional redistricting language and that this language gives no implied power to the General Assembly. Article V, Section 47, of the original 1876 Constitution addressed legislative redistricting, and originally stated that “[s]enatorial and representative districts may be altered from time to time, as public convenience may require.” The phrase “from time to time” means that an act may be done occasionally. Had the framers wished to have congressional district boundaries redrawn more than once per census period, they would have included the “from time to time” language contained in the legislative redistricting provision. They did not.

In addition to the plain language of our constitution, Colorado has had 127 years of experience in applying the congressional redistricting provision. It has never been given the interpretation advanced by the Secretary of State and General Assembly.

Congressional redistricting, like legislative redistricting, has had a checkered history in Colorado, marked by long periods of time when the General Assembly failed to redistrict even though the state population grew dramatically and Colorado received more congressional seats. The federal government has conducted thirteen federal censuses since Colorado became a state, but the General Assembly has redrawn congressional districts only six times. The legislature's failure to redistrict meant that urban areas were systematically underrepresented, and congressional districts were grossly disproportionate. For example, in 1964, when the General Assembly had not drawn new districts for over forty years, the four congressional districts ranged in population from 195,551 to 653,954; one person's vote in the smallest district was equivalent to the votes of 3.3 people in the largest district.

This era of inaction came to an abrupt end when the United States Supreme Court announced its “one-person, one-vote” principle and ordered Colorado to comply. See generally *Lucas v. Forty-Fourth Gen. Ass'y*, 377 U.S. 713, 84 S.Ct. 1459, 12 L.Ed.2d 632 (1964). In the cases leading up to *Lucas*, this court, as well as a federal district court in Colorado, held that the legislature's inaction violated both the Colorado and the U.S. Constitutions. See generally *In re Legislative Reapportionment*, 150 Colo. 380, 374 P.2d 66 (1962); *Lisco v. McNichols*, 208 F.Supp. 471 (D.Colo.1962). These and other better-known cases ushered in a new era in which there can be no

doubt that the state must redistrict both its legislative and congressional seats after every new census. See generally, e.g., *Wesberry v. Sanders*, 376 U.S. 1, 84 S.Ct. 526, 11 L.Ed.2d 481 (1964); *Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962).

Within ten years of the *Lucas* decision, the voters of Colorado passed an initiative putting the power to redistrict the legislature into the hands of a constitutionally created reapportionment commission. See Colo. Const. art. V, § 48. The constitutional provision governing congressional redistricting, however, was not substantially changed. Colorado's congressional seats have been redistricted four times since the *Lucas* decision: twice, following the 1970 and 1990 censuses, by the General Assembly; twice, in 1982 and 2002, by the courts after the legislature failed to act. After the 1980 census, the federal court did the congressional redistricting. *Carstens v. Lamm*, 543 F.Supp. 68 (D.Colo.1982). After the 2000 census, the task of congressional redistricting fell to the state court. *Beauprez v. Avalos*, 42 P.3d 642 (Colo.2002).

In this opinion, we conclude that the General Assembly does not have the unprecedented power it claims. Federal law grants the states the authority to redistrict, and federal law defines and limits this power. Our state constitution cannot change these federal requirements. Instead, it can only place additional restrictions on the redistricting process. Therefore, even though the first sentence of Article V, Section 44, of our constitution appears to grant redistricting power to the state “general assembly” acting alone, this language has been interpreted broadly to include the Governor's power to approve or disapprove the legislature's redistricting plan, and the voters' power to redistrict by initiative or by resort to the courts if the legislature fails to timely act. Finally, the second sentence of Article V, Section 44, of the Colorado Constitution says “when” Colorado may redistrict. The plain language of this constitutional provision not only requires redistricting after a federal census and before the ensuing general election, but also restricts the legislature from redistricting at any other time.

In short, the state constitution limits redistricting to once per census, and nothing in state or federal law negates this limitation. Having failed to redistrict when it should have, the General Assembly has lost its chance to redistrict until after the 2010 federal census.

II. Background

In 2000, the United States census reflected Colorado's rapid growth of the 1990s and prompted Congress to assign Colorado one additional seat in the United States House of Representatives, bringing our total seats to seven. Because federal law requires each state to have the same number of congressional districts as it does representatives, the old redistricting plan, which contained only six districts, became illegal. See 2 U.S.C. § 2c (2000); *Beauprez*, 42 P.3d at 646. Consequently, when the federal

government released detailed, block-by-block redistricting data in March 2001, the state General Assembly began the task of drawing new congressional districts.¹

The General Assembly was unable to pass a new plan despite meeting in its regular session and two special sessions. Therefore, the voters turned to the courts for relief, asking the Denver District Court to hold the existing six-district plan unconstitutional and to replace it with a valid seven-district plan. *Avalos v. Davidson*, No. 01CV2897, 2002 WL 1895406, at *1 (Denv. Dist. Ct. Jan. 25, 2002), *aff'd sub nom. Beauprez v. Avalos*, 42 P.3d 642 (Colo.2002).

The district court considered more than a dozen competing maps during a seven-day trial, and ultimately settled upon a new seven-district plan. See *Beauprez*, 42 P.3d at 645-46. The court, however, delayed issuing its decision in order to give the legislature yet another chance to pass its own plan during the 2002 session. Finally, after the General Assembly again was unable to act, the court announced its redistricting plan in time for the precincts to be set before the November election.

This court unanimously affirmed the district court decision, saying that the plan was “thorough, inclusive, and non-partisan.” *Id.* at 647, 653. The plan did indeed end up being non-partisan. From six districts, the voters reelected the incumbent or a replacement from the incumbent's party, and the new seventh district was highly competitive. In fact, in 2002, the seventh district voters elected their congressional representative by only 121 votes out of 170,000 voters—the narrowest margin in the nation.

In the closing days of the 2003 regular session, the newly elected General Assembly enacted a new redistricting plan, Senate Bill 03-352 (“SB 03-352”). See Ch. 247, sec. 1, § 2-1-101, 2003 Colo. Sess. Laws 1645, 1645-58. The bill was introduced on May 5, 2003, passed by both houses on May 7, the final day of the session, and was signed into law on May 9.

On the same day that the Governor signed SB 03-352 into law, a group of citizens filed suit in Denver District Court, asking the court to enjoin implementation of the plan.² *Keller v. Davidson*, No. 03CV3452 (Denv. Dist. Ct. filed May 9, 2003). That case has since been removed to federal court, and is now on hold by order of the federal district court pending this decision. *Keller v. Davidson*, No. 03-Z-1482(CBS) (D. Colo. filed Sept. 25, 2003).

On May 14, shortly after the District Court case was filed, the Attorney General filed an original action in this court pursuant to the Colorado Constitution, Article VI, Section 3, asking us to issue an injunction preventing the Secretary of State from implementing the General Assembly's 2003 redistricting plan and requesting a writ of mandamus requiring the Secretary of State to return to the 2002 redistricting plan. Subsequently, the Secretary of State filed her own original action with this court, asking us to dismiss the Attorney General's petition. She claims that the Attorney General

cannot bring an original proceeding in this type of case and cannot name the Secretary of State as a respondent because he is ethically obligated to represent her. We issued a rule to show cause in both cases. We now make the rule absolute in the case brought by the Attorney General and we discharge the rule in the Secretary of State's case.

III. Jurisdiction

Both the Attorney General's case and Secretary of State's case are original proceedings pursuant to Article VI, Section 3, of the Colorado Constitution. Article VI, Section 3, states in relevant part: "The supreme court shall have power to issue writs of mandamus, injunction, and such other writs as may be provided by rule of court." Colo. Const. art. VI, § 3. Original proceedings are controlled by Colorado Appellate Rule 21(a)(1), which states that: "Relief under this rule is extraordinary in nature and is a matter wholly within the discretion of the Supreme Court. Such relief shall be granted only when no other adequate remedy is available." C.A.R. 21(a)(1). Although we have discretion regarding the cases we choose to hear, we have established two basic requirements for original proceedings such as these.³ First, the case must involve an extraordinary matter of public importance. *Leaffer v. Zarlengo*, 44 P.3d 1072, 1077 (Colo.2002). Second, there must be no adequate "conventional appellate remedies." *Id.*; see also William H. ReMine, Anne Whalen Gill & Gregory J. Hobbs, Jr., Appeals to the Supreme Court, Supreme Court Original Proceedings § 15.3, in Leonard P. Plank & Anne Whalen Gill, *Colorado Appellate Law and Practice* 217 (1999). Both of the cases we decide today satisfy both requirements. We examine the Attorney General's case first.

There can be no question that the Attorney General's case involves an extraordinary matter of public importance. Congressional redistricting implicates citizens' right to vote for United States Representatives. This right to vote is fundamental to our democracy. According to the United States Supreme Court, "[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined." *Wesberry v. Sanders*, 376 U.S. 1, 17, 84 S.Ct. 526, 11 L.Ed.2d 481 (1964).

The frequency of redistricting affects the stability of Colorado's congressional districts, and hence, the effectiveness of our state's representation in the United States Congress. When the boundaries of a district are stable, the district's representative or any hopeful contenders can build relationships with the constituents in that district. Furthermore, the constituents within a district can form communities of interest with one another, and these groups can lobby the representative regarding their interests. These relationships improve representation and ultimately, the effectiveness of the district's voice in Congress.

Furthermore, the specific outcome of the Attorney General's case resolves the debate over the shapes of the congressional districts for the 2004 elections. Until this dispute is settled, Colorado citizens and their representatives in Congress will not know whether the 2004 elections will take place under the same districts as the 2002 elections or according to SB 03-352's new districts. The uncertainty surrounding the 2004 congressional districts has forced some voters, local officials, and interest groups to act as if they could be in either one of two districts, and, thus, to expend unnecessary money and effort building relationships with both of their potential representatives and districts. Moreover, this uncertainty carries over to other elected and appointed officials, such as the University of Colorado Board of Regents, whose districts follow the congressional map. In sum, congressional redistricting is a crucial issue, which warrants a decisive and expedient resolution from this court.

The second factor in considering whether to exercise our original jurisdiction is whether the parties have an adequate alternative remedy. The remedy may be an action in a trial court or an appeal in an ongoing proceeding. C.A.R. 21(a)(1). As noted above, there is now a case in the federal district court that also challenges SB 03-352. *Keller*, No. 03-Z-1482(CBS). The Secretary of State urges that this federal case is an adequate remedy to the Attorney General's claims. We disagree.

The federal case is not an adequate form of relief for several reasons. An appellate court will often defer to a trial court when a case can be resolved on a ground that makes it possible to avoid reaching a constitutional issue. Here, however, the constitutional question cannot be avoided. In *Keller*, the plaintiffs did not raise the question of whether Article V, Section 44, of the Colorado Constitution restricts congressional redistricting to once per decade. If the trial court were to hold that SB 03-352 is invalid because of a procedural error in its enactment, as alleged, the question would remain whether the General Assembly could redistrict more than once in a census period.

Also, the federal court is not the appropriate forum to decide the frequency of redistricting. The United States Supreme Court has made it clear that states have primary responsibility in congressional redistricting and that federal courts must defer to states. *Grove v. Emison*, 507 U.S. 25, 34, 113 S.Ct. 1075, 122 L.Ed.2d 388 (1993) (saying "reapportionment is primarily the duty and responsibility of the State"); see also *Branch v. Smith*, 538 U.S. 254, 123 S.Ct. 1429, 1435, 155 L.Ed.2d 407 (2003).

Most importantly, this case turns on the Colorado Constitution. The United States Supreme Court "repeatedly has held that state courts are the ultimate expositors of state law." *Mullaney v. Wilbur*, 421 U.S. 684, 691, 95 S.Ct. 1881, 44 L.Ed.2d 508 (1975). Consequently, even if the *Keller* court were to address the issue of how frequently the General Assembly may draw congressional districts, the federal court would have to turn to this court to answer that question. See *S.C. State Conference of Branches of NAACP v. Riley*, 533 F.Supp. 1178, 1180 (D.S.C.1982) (redistricting

case in which a federal district court said that only the South Carolina Supreme Court could interpret the state constitution's redistricting provision). Hence, it is illogical for this court to defer to the federal court. In sum, the Attorney General's petition presents an issue uniquely suited for resolution in an original proceeding.

In the second case that we decide today, the Secretary of State raises an issue that is also appropriately resolved in an original proceeding. The Secretary is the named respondent in the Attorney General's petition, and she challenges the Attorney General's authority to file such an original proceeding. The Attorney General's authority to sue the Secretary of State is a matter of public importance. Both are constitutional officers of the executive branch, and this is the proper vehicle to resolve their dispute. Thus, we exercise our discretion to decide both original proceedings.

IV. The Attorney General's Authority to Sue the Secretary of State

Before turning to the question of whether the General Assembly had the authority to redistrict in 2003, we first address the question of whether the Attorney General has the authority to petition this court to enjoin the Secretary of State from conducting the elections under SB 03-352. The Secretary of State contends that the Attorney General has no constitutional, statutory, or common law power to petition this court for the relief requested and that, by filing the petition, the Attorney General violates his ethical duty to represent the Secretary. We reject both arguments. We see no reason to depart from our long-established practice allowing the Attorney General to petition this court in an appropriate case.

We have always recognized the ability of the Attorney General and other public officials to request original jurisdiction in matters of great public importance. The case closest to the one before us today is *People v. Tool*, 35 Colo. 225, 86 P. 224 (1905). In *Tool*, we explicitly recognized the common law power of the Attorney General to bring an original proceeding in order to protect the integrity of the election process. The Attorney General was the appropriate person to institute such an action, because “it is the function of the Attorney General . . . to protect the rights of the public.” *Id.* at 236, 86 P. at 227; see also *People ex rel. Graves v. Dist. Court*, 37 Colo. 443, 461, 86 P. 87, 92 (1906).⁴

In an even earlier case, *Wheeler v. Northern Colorado Irrigation Co.*, we similarly held that it was “eminently fitting” that original proceedings be initiated by the Attorney General in the name of the people. 9 Colo. 248, 256, 11 P. 103, 107 (1886). Likewise, in *State Railroad Commission v. People ex rel. Denver & R.G.R. Co.*, we affirmed the Attorney General's authority to bring an original writ, underscoring the principle that “the Attorney General himself, as the chief legal officer of the state, is here in the interests of the people to promote the public welfare.” 44 Colo. 345, 354, 98 P. 7, 11 (1908).

Despite this precedent, the Secretary of State argues that the Attorney General is limited to his express statutory powers. We reject this argument. The Colorado Constitution vests original jurisdiction in the Supreme Court. Colo. Const. art. VI, § 3. The constitutional separation of powers prevents the General Assembly from enacting any statutes that restrict this court's exercise of its original jurisdiction. Hence, it is irrelevant that no statute authorizes the Attorney General to file his petition.

The Secretary of State also reads our decision in *People ex rel. Tooley v. District Court* to stand for the principle that the Attorney General has no common law powers. 190 Colo. 486, 549 P.2d 774 (1976). We reject such a sweeping interpretation. *Tooley* is consistent with the well-settled principle that the Attorney General has common law powers unless they are specifically repealed by statute. *Colo. State Bd. of Pharmacy v. Hallett*, 88 Colo. 331, 335, 296 P. 540, 542 (1931); see also *Kane v. Town of Estes Park*, 786 P.2d 412, 415 (Colo.1990). In *Tooley*, the legislature expressly abrogated the Attorney General's common law power to institute criminal actions in a trial court in favor of other constitutional officers, the district attorneys. *Id.*

The Secretary of State misses the true significance of *Tooley*, which in fact supports the Attorney General's ability to file an original proceeding in this court. In *Tooley*, the district court ruled that the Attorney General and not the District Attorney could prosecute certain criminal actions. The Denver District Attorney subsequently sought this court's review of that ruling by filing an original proceeding. 190 Colo. at 488, 549 P.2d at 776. Although we decided that the Attorney General did not have that power, the outcome is not relevant. What is important here is that we accepted jurisdiction and heard the District Attorney's case. Had the district court ruled the other way, we would have heard the Attorney General's petition instead because this was a matter of public importance—a conflict between two officers of the state.⁵ Therefore, *Tooley* actually supports the Attorney General's position in this case.

The Secretary of State also asserts that the Attorney General has violated the Colorado Rules of Professional Conduct by naming her as the respondent. We find no ethical violation. The Secretary of State is named as a party in her official capacity because she administers the election laws. § 1-1-107(1)(a), 1 C.R.S. (2003). In this case, no client confidences are involved.

The Colorado Rules of Professional Conduct explicitly recognize that government lawyers may “have authority to represent the ‘public interest’ in circumstances where a private lawyer would not be authorized to do so.” Colo. R.P.C., Scope. The Rules say that a government lawyer's client may in some circumstances be a specific agency, but “it is generally the government as a whole.” Colo. R.P.C. 1.13 cmt. Therefore, the Attorney General must consider the broader institutional concerns of the state even though these concerns are not shared by an individual agency or officer.⁶

In his role as legal advisor to the Secretary of State, the Attorney General must advise the Secretary of State on the implementation of the election laws. Consistent with his ethical duties and his oath of office, if the Attorney General has grave doubts about the constitutionality of the impending 2004 general election, he must seek to resolve these doubts as soon as possible. A prompt resolution of the case will aid both the Secretary of State and the Attorney General in fulfilling their oaths to uphold the Colorado Constitution. For these reasons, we find that the Attorney General has the authority to file this original action challenging the constitutionality of SB 03-352.

V. The General Assembly's Power to Redistrict

We now turn to the question of whether SB 03-352 violates the Colorado Constitution. We hold that it does. We base our holding on Article V, Section 44, of the Colorado Constitution, which prohibits congressional redistricting more than once per decade. More specifically, Article V, Section 44:(1) requires congressional redistricting after a national census and before the ensuing general election; and (2) prohibits redistricting outside of this window. We recognize and emphasize that the General Assembly has primary responsibility for drawing congressional districts. But we also hold that when the General Assembly fails to provide a constitutional redistricting plan in the face of an upcoming election and courts are forced to step in, these judicially-created districts are just as binding and permanent as districts created by the General Assembly. We further hold that regardless of the method by which the districts are created, the state constitution prohibits redrawing the districts until after the next decennial census.

We base our decision on the Colorado Constitution, but to put state law in context, we begin with a discussion of federal law. First, the U.S. Constitution does not grant redistricting power to the state legislatures exclusively, but instead, to the states generally. The state may draw congressional districts via any process that it deems appropriate. Second, the states' redistricting authority is not "unfettered." Rather, it is circumscribed by federal law. Each state must draw congressional districts immediately after each federal census and before the ensuing general election. There must be one district per representative, and the resulting districts in any given state must be equal in size and comply with the Voting Rights Act.

Third, like the U.S. Constitution, the Colorado Constitution does not grant the General Assembly exclusive authority to draw congressional districts. Redistricting can be accomplished by enacting a bill subject to gubernatorial approval, by voter initiative, and through litigation.

Finally, the Colorado Constitution cannot relax the federal laws pertaining to redistricting; our constitution can only impose more stringent restrictions. Article V, Section 44, of the Colorado Constitution does just that. It restricts the timeframe in which Colorado may redistrict. The plain language of this constitutional provision

not only requires redistricting after a federal census and before the ensuing general election, but also prohibits the legislature from redistricting at any other time.

In conclusion, the state constitution limits redistricting to once per census, no matter which body creates the districts. Nothing in state or federal law contradicts this limitation. In fact this interpretation is supported by public policy, history, and the law of other states. The following subsections discuss these concepts in greater detail.

A. The U.S. Constitution's Grant of Power to the States

The Secretary of State and General Assembly argue that both the United States and Colorado Constitutions grant the General Assembly the exclusive authority to draw congressional districts. In support of this argument, they point to Article I, Section 4, Clause 1, of the U.S. Constitution, which says: “The times, places and manner of holding elections for senators and representatives shall be prescribed in each state, by the legislature thereof.” U.S. Const. art. I, § 4, cl. 1 (emphasis added). The Secretary of State and General Assembly assert that the word “legislature” in this clause means that the General Assembly is the only body with authority to draw permanent congressional districts, and that the court may not “usurp” this absolute power.

This argument is flawed. The United States Supreme Court has interpreted the word “legislature” in Article I to broadly encompass any means permitted by state law, and not to refer exclusively to the state legislature. A state's lawmaking process may include citizen referenda and initiatives, mandatory gubernatorial approval, and any other procedures defined by the state. See *Smiley v. Holm*, 285 U.S. 355, 52 S.Ct. 397, 76 L.Ed. 795 (1932) (gubernatorial approval); *Ohio ex rel. Davis v. Hildebrandt*, 241 U.S. 565, 36 S.Ct. 708, 60 L.Ed. 1172 (1916) (referenda).

The word “legislature” also extends to special redistricting commissions. Arizona, for instance, has a special commission that draws congressional districts and then submits the plan directly to the Secretary of State, thus bypassing the Arizona legislature entirely. See *Ariz. Const. art. IV, part 2, § 1*; Rhonda L. Barnes, *Redistricting in Arizona Under the Proposition 106 Provisions: Retrogression, Representation, and Regret*, 35 *Ariz. St. L.J.* 575, 578-81 (2003). Other states with redistricting commissions include Hawaii, Idaho, Montana, New Jersey, and Washington. Tim Storey, *Redistricting Spats Unlikely to Spread*, *Denver Post*, Sept. 28, 2003, at 1E, 8E.

Most importantly for our purposes, the word “legislature,” as used in Article I of the federal Constitution, encompasses court orders. State courts have the authority to evaluate the constitutionality of redistricting laws and to enact their own redistricting plans when a state legislature fails to replace unconstitutional districts with valid ones. See generally *Growe*, 507 U.S. 25, 113 S.Ct. 1075, 122 L.Ed.2d 388; *Carstens v. Lamm*, 543 F.Supp. 68 (D.Colo.1982). In fact, courts are constitutionally required to draw constitutional congressional districts when the legislature fails to do so. Branch

v. Smith, 538 U.S. 254, 123 S.Ct. 1429, 1441, 155 L.Ed.2d 407 (2003). In such a case, a court cannot be characterized as “usurping” the legislature's authority; rather, the court order fulfills the state's obligation to provide constitutional districts for congressional elections in the absence of legislative action.

As these examples reveal, Article I, Section 4, Clause 1, of the U.S. Constitution delegates congressional redistricting power to the states to carry out as they see fit, and not exclusively to the state legislatures. Hence, the U.S. Constitution does not grant absolute redistricting authority to the General Assembly as the Secretary of State and the General Assembly claim, and when courts are forced to draw congressional districts, they are not usurping the state legislature's power.

B. The U.S. Constitution's Restrictions on the General Assembly's Authority to Redistrict

Next, the Secretary of State and General Assembly argue that the U.S. Constitution grants the General Assembly absolute, “unfettered” redistricting authority that the states cannot curtail. This is not so. Instead, this authority is limited by both federal and state law. Before turning to state law, we first describe the federal case law and statutes that control redistricting to illustrate that the General Assembly's redistricting authority is not “unfettered” as it claims.

Although the U.S. Constitution grants the power to draw congressional districts to the states, the states have often abused their broad redistricting authority. Historically, some state legislatures have used redistricting to enhance the power of the majority (racial and/or political), and to suppress minorities. See generally Andrew Hacker, *Congressional Districting: The Issue of Equal Representation 30-70* (1963) [hereinafter Hacker, *Congressional Districting*]. The legislatures primarily disenfranchised voters either by gerrymandering or by neglecting redistricting duties altogether, thus allowing the sizes of the districts to become more and more unbalanced as populations shifted over time. The resulting size disparities were unfair because the representatives from larger population districts represented more citizens than representatives from smaller districts.

This disparity among districts meant that the citizens in the smaller population districts had a relatively more powerful voice in Congress. As an example, in 1962, Colorado's largest congressional district had 3.3 times the population of the smallest district. Thus, one vote in the smallest district was the same as 3.3 votes in the largest district. Hacker, *Congressional Districting* at 3. Even though the population of Colorado was shifting from rural to urban and suburban areas, the rural counties still elected more than their proportional share of representatives. *Lisco v. McNichols*, 208 F.Supp. 471, 478 (D.Colo.1962); see also Hacker, *Congressional Districting* at 22-26. Yet the Colorado legislature neglected its duty to draw new congressional districts for more than forty years between 1921 and 1964. *Id.* at 3.

Because of this growing inequality among districts, the Supreme Court and Congress stepped in to protect the voters' rights. In 1964, the United States Supreme Court established the one-person, one-vote doctrine, requiring that every state make a good-faith effort to elect all representatives from districts of equal populations. *Wesberry v. Sanders*, 376 U.S. 1, 84 S.Ct. 526, 11 L.Ed.2d 481 (1964) (interpreting U.S. Const. art. I, § 2, cl. 1). Under this doctrine, states now have a constitutional obligation to draw congressional districts with equal numbers of constituents, or else justify any differences, no matter how small, with a legitimate reason. *Karcher v. Daggett*, 462 U.S. 725, 734, 103 S.Ct. 2653, 77 L.Ed.2d 133 (1983).

When evaluating constitutionality under the one-person, one-vote doctrine, a court uses the national decennial census figures. The United States Supreme Court has recognized the legal fiction that these figures remain accurate for the entire ten years between censuses. *Georgia v. Ashcroft*, 539 U.S. 461, --- n. 2, 123 S.Ct. 2498, 2516 n. 2, 156 L.Ed.2d 428 (2003). Consequently, according to this legal fiction, when states create same-size districts that adhere to one-person, one-vote standards at the beginning of the decade, these districts remain constitutionally valid on equal population grounds until the next census, even though the states' populations actually shift and change in the intervening years. *Id.* Conversely, new decennial census figures generally render the old districts unconstitutional, and states must redistrict prior to a subsequent election. *Id.* In sum, under federal constitutional law, each state must draw new congressional districts after a decennial census or risk having its districts declared unconstitutional prior to the next congressional election.

C. Federal Statutory Restrictions on the General Assembly's Authority to Redistrict

Federal statutes also restrict how the states may redistrict. The states' authority to regulate the “times, places and manner” of congressional elections is not absolute. Instead, the United States Constitution gives Congress the power to “make or alter” election regulations “at any time.” U.S. Const. art. I, § 4, cl. 1 (“The times, places and manner of holding elections for senators and representatives shall be prescribed in each State, by the legislature thereof, but the Congress may at any time, by law, make or alter such regulations.”).

The “times, places and manner” clause was a very controversial provision in the U.S. Constitution. During the debates preceding ratification, the public expressed fear that Congress would usurp the states' powers to conduct elections. See I *The Debate on the Constitution: Federalist and Antifederalist Speeches, Articles, and Letters During the Struggle over Ratification* 429 (Bernard Bailyn ed., 1993). But the framers strongly believed that Congress must be empowered to step in and regulate elections if necessary to ensure that they are conducted fairly. *Wesberry v. Sanders*, 376 U.S. 1, 6, 84 S.Ct. 526, 11 L.Ed.2d 481 (1964); Hacker, *Congressional Districting* at 9, 12-14.

Even so, the Constitution was silent regarding whether states were required to draw single-member districts, or whether they were allowed to elect their representatives in at-large, statewide elections.⁷ Hacker, *Congressional Districting* at 40. After the states ratified the United States Constitution, many elected all of their members of Congress at large. *Id.* But in 1842, Congress exercised its authority to regulate elections and passed the Apportionment Act, which prohibited the “winner-take-all,” at-large elections, and required that states elect members of Congress from contiguous, single-member districts. *Id.* Congress allowed this requirement to lapse, however, and by 1962, many representatives were once again elected at large. *Id.* at 41.

Shortly after the United States Supreme Court announced the one-person, one-vote doctrine in 1964, many lower courts began to implement that decision by replacing unconstitutional, disproportionate districts with at-large elections. *Branch v. Smith*, 538 U.S. 254, 123 S.Ct. 1429, 1439, 155 L.Ed.2d 407 (2003). These courts did so because they found they had no authority to draw new districts. *Id.* at 1439-40, 123 S.Ct. 1429. Congress disagreed, and in 1967 enacted 2 U.S.C. § 2c, which once again required single-member congressional districts. *Id.* at 1441, 123 S.Ct. 1429. With this statute, Congress eliminated the option of at-large elections for states with more than one representative.⁸ 2 U.S.C. § 2c (2002). Thus, states must draw same-size, single-member districts.

Another limitation on the General Assembly's freedom to redistrict is the Voting Rights Act. See 42 U.S.C. §§ 1973 to 1973bb-1 (2002); *Carstens v. Lamm*, 543 F.Supp. 68, 82 n. 36a (D.Colo.1982). Even while complying with Section 2c and the one-person, one-vote doctrine by drawing same-size, single-member districts, some state legislatures were able to discriminate against racial minorities by drawing their districts in such a way as to render minority votes ineffective. In an attempt to combat discrimination against minority voters, Congress passed the Voting Rights Act. Specifically, the Act forbids diluting the voting strength of a minority group “sufficiently large and geographically compact to constitute a majority in a single-member district.” *Sanchez v. State*, 97 F.3d 1303, 1310 (10th Cir.1996) (citing *Thornburg v. Gingles*, 478 U.S. 30, 50, 106 S.Ct. 2752, 92 L.Ed.2d 25 (1986)).

Section 5 of the Act requires jurisdictions with a history of discrimination to obtain federal approval before making any changes to voting laws or procedures. 42 U.S.C. § 1973c (2002). The process of obtaining approval is known as “preclearance.” See *Branch*, 123 S.Ct. at 1446-47. In Colorado, El Paso County was once a covered jurisdiction, requiring preclearance. Thus, prior to implementing any voting change in El Paso County, including redistricting, the General Assembly was first required to obtain approval from either the United States Attorney General or a three-judge panel from the United States District Court for the District of Columbia. *Carstens*, 543 F.Supp. at 82 n. 36a.

As these examples demonstrate, the General Assembly has never had “unfettered” authority to create congressional districts. Under federal law, Colorado must redistrict after each federal census and before the ensuing election, must create single-member districts, must create racially neutral districts, and at certain times in the past, was required to obtain federal preclearance for its plan. Moreover, because the United States Constitution grants redistricting authority to the states, and not exclusively to the legislatures of the states, Colorado has the authority to further limit the power of its General Assembly through its laws or constitution. As we illustrate below, Colorado has done just that.

D. Colorado's Constitutional Restrictions on the General Assembly's Authority to Redistrict

The Secretary of State and General Assembly argue that the Colorado Constitution grants the General Assembly unfettered power to redistrict. We are not persuaded. As discussed above, the federal Constitution, not the state constitution, is the source of the states' authority to redistrict, and the federal Constitution and federal statutes restrict the states' authority to redistrict.

The Colorado Constitution can only further restrict the General Assembly's authority to draw congressional districts; it cannot expand it. We know this is true because the Colorado Constitution is not a grant of power, but an additional limitation upon all forms of state power, including the authority of the General Assembly. *Reale v. Bd. of Real Estate Appraisers*, 880 P.2d 1205, 1208 (Colo.1994) (“The Colorado Constitution, unlike the federal Constitution, does not comprise a grant of but rather, a limitation on power.”). Indeed, when our state constitution was ratified in 1876, there was a deep public distrust of the legislature due to Colorado's territorial history of scandal and corruption. Dale A. Oesterle & Richard B. Collins, *The Colorado State Constitution: A Reference Guide* 1-2, 20 n. 7 (2002). As a result, the delegates created a very detailed document specifically for the purpose of severely restricting the legislature's discretionary powers. *Id.* Given that the state constitution adds to the federal limitations on congressional redistricting, the crucial question is: “Exactly how does Article V, Section 44, limit Colorado's authority to redistrict?” We now turn to this question.

Article V, Section 44, has always been in the Colorado Constitution. It originally said, in full:

One Representative in the Congress of the United States shall be elected from the State at large at the first election under this constitution, and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the general assembly shall divide the State into congressional districts accordingly.

Colo. Const. art. V, § 44. This original language meant that the state's single representative was to be elected from a state-wide district, but as the United States Congress assigned Colorado additional seats, the General Assembly was required to draw additional congressional districts.⁹

In 1974, the General Assembly recommended and the people approved a change to Section 44. It now states, in full:

The General Assembly shall divide the state into as many congressional districts as there are representatives in congress apportioned to this state by the congress of the United States for the election of one representative to congress from each district. When a new apportionment shall be made by congress, the general assembly shall divide the state into congressional districts accordingly.

Colo. Const. art. V, § 44. The first sentence states who must redistrict-the "General Assembly"-and what the General Assembly must do-create single-member congressional districts. The second sentence of Section 44 establishes when this redistricting shall take place-after a new congressional apportionment. Because the Attorney General's case turns upon the interpretation of Section 44, we will examine each of Section 44's sentences in turn.

1. Who May Redistrict

The Secretary of State and the General Assembly argue that three words in the state constitution grant the General Assembly exclusive power to draw Colorado's congressional districts: "General Assembly shall." At first blush, this logic seems persuasive; however, this argument is not consistent with existing Colorado law. Although the first sentence of Section 44 says that the "General Assembly shall" draw congressional districts, the term "General Assembly," like the term "legislature" in Article I of the U.S. Constitution, has been interpreted broadly. The term "General Assembly" encompasses the entire legislative process, as well as voter initiatives and redistricting by court order.

The term General Assembly does not simply refer to the lawmakers who must pass a bill. Instead, it is a shorthand method of referring to the entire standard lawmaking procedure set forth in the Colorado Constitution. Carstens, 543 F.Supp. at 79 ("Congressional redistricting is a law-making function subject to the state's constitutional procedures."). These procedures require a majority quorum, approval by a committee, and reading of the bill at length on two different days in each house. See, e.g., Colo. Const. art. V, §§ 11, 20 & 22. The standard lawmaking procedure includes passage by both houses of the legislature as well as the governor's signature or approval by inaction. Carstens, 543 F.Supp. at 79. With a two-thirds vote, the General Assembly may pass a redistricting bill over the governor's veto. Colo. Const. art. V, § 39.

Standard lawmaking procedure in Colorado also includes voter initiative. In 1934, this court upheld a legislative redistricting plan that was created by voter initiative and also rejected a subsequent plan adopted by the General Assembly. *Armstrong v. Mitten*, 95 Colo. 425, 430, 37 P.2d 757, 759 (1934). *Armstrong* involved state legislative redistricting, which now is performed by a special commission. At that time, however, the relevant section of the state constitution called for the General Assembly to “revise and adjust the apportionment for senators and representatives” during the “session next following” a census. *Id.* at 426-27, 37 P.2d at 758. The legislature failed to enact a redistricting plan in the session following the 1930 census. As a result, the voters initiated and passed a plan in 1932. Then, in 1933, the General Assembly enacted its own plan. In *Armstrong*, we held that the initiated plan was valid and enforceable. In so holding, we reasoned that “[t]he people are sovereign” and they created the General Assembly as “their agent.” *Id.* Consequently, we rejected a literal interpretation of the term “General Assembly,” and instead held that “General Assembly” broadly encompassed all legislative processes, including voter initiative. *Armstrong’s* holding applies to congressional redistricting as well.

The term “General Assembly” in Section 44 also encompasses the courts, but only in the special instance when the General Assembly fails to provide constitutional districts for an impending election. In an early case, *In re Legislative Reapportionment*, this court said:

[I]t is manifest that the triunity of our government is not invaded by acceptance of this litigation for decision. If by reason of passage of time and changing conditions the reapportionment statute no longer serves its original purpose of securing to the voter the full constitutional value of his franchise, and the legislative branch fails to take appropriate restorative action, the doors of the courts must be open to him.

150 Colo. 380, 384-85, 374 P.2d 66, 68-69 (1962) (quoting *Village of Ridgefield Park v. Bergen County Bd. of Taxation*, 31 N.J. 420, 157 A.2d 829, 832 (1960)). Prior to the 1960s, the United States Supreme Court refused to interfere with redistricting issues. See, e.g., *Colegrove v. Green*, 328 U.S. 549, 66 S.Ct. 1198, 90 L.Ed. 1432 (1946). Instead, the Court deemed redistricting a political issue that was nonjusticiable. *Id.* In 1962, in *Baker v. Carr*, the United States Supreme Court reversed *Colegrove* and held that redistricting was a justiciable issue. 369 U.S. 186, 208-09, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962). Accordingly, in *In re Legislative Reapportionment*, the Colorado Supreme Court said that it would draw districts, but only if the legislature failed to act. 150 Colo. at 385, 374 P.2d at 69.

In the forty years since *Baker v. Carr*, court involvement in redistricting has become more common. Although courts continue to defer to the legislatures, the courts must sometimes act in order to enforce the one-person, one-vote doctrine. Indeed, Congress enacted 2 U.S.C. § 2c specifically for the purpose of forcing courts to draw valid redistricting plans rather than resorting to at-large districts. *Branch v. Smith*, 538 U.S.

254, 123 S.Ct. 1429, 1439, 1445, 155 L.Ed.2d 407 (2003). Hence, courts are heavily involved in ensuring that all federal, state, and local districts satisfy the one-person, one-vote criteria.

When a court is forced to draw congressional districts because the legislature has failed to do so, the court carries out the same duty the legislature would have. Redistricting involves prospective rules for elections, rather than a retrospective decision based on past events. Thus, when redistricting, the court's task closely resembles legislation. See Saul Zipkin, *Judicial Redistricting and the Article I State Legislature*, 103 Colum. L.Rev. 350, 379-80 (2003). In so doing, the court gathers information regarding alternative plans, hears expert advice, weighs alternatives, and ultimately adopts the plan it deems the best for the state. See generally, e.g., *Beauprez v. Avalos*, 42 P.3d 642 (Colo.2002). In the end, the court's plan is just as effective as a law passed by the legislature: it supercedes the prior districts, and remains in effect until legally replaced at a later date.

In sum, the term "General Assembly" in the first sentence of Article V, Section 44, broadly encompasses the legislative process, the voter initiative, and judicial redistricting. Regardless of which body creates the congressional districts, these districts are equally valid. Hence, judicially created districts are no less effective than those created by the General Assembly.

2. When Colorado May Redistrict

The second sentence of Article V, Section 44, says when redistricting may take place: "[w]hen a new apportionment shall be made by congress." ¹⁰ a Colorado statute, enacted in 1999, defines "new apportionment." § 2-2-901(1)(a), 1 C.R.S. (2002). It says that "a new apportionment occurs after each federal decennial census." *Id.* Moreover, the one-person, one-vote doctrine firmly requires redistricting after each national census. *Georgia v. Ashcroft*, 539 U.S. 461, --- n. 2, 123 S.Ct. 2498, 2516 n. 2, 156 L.Ed.2d 428 (2003). Thus, the second sentence requires that redistricting must take place "when" there is a census: at least once per decade.

The crucial question for us, however, is whether redistricting may occur more often than once per decade. The Secretary of State and General Assembly argue that the General Assembly may redistrict at any time, even more than once per decade. They do not interpret the second sentence to constrain the General Assembly in any way. We reject this construction.

Our decision turns upon the interpretation of the second sentence in Article V, Section 44. In construing our constitution, our primary task is to give effect to the framers' intent. *Grant v. People*, 48 P.3d 543, 546-47 (Colo.2002). To ascertain this intent, we begin with the plain meaning of Section 44. *Id.* at 546. Then, by way of confirmation, we proceed to examine Section 44 in light of its context within the state consti-

tution. Next, we review similar cases from other states, and find that they comport with our holding. Finally, we demonstrate that custom, history, and policy support our holding as well.

The second sentence of Section 44 places a temporal restriction on redistricting. In the sentence “[w]hen a new apportionment shall be made by Congress, the general assembly shall divide the state into congressional districts accordingly,” the word “when” is used as a subordinating conjunction. It indicates the relationship of redistricting and apportionment-redistricting “shall” take place “when” apportionment occurs. “When,” in this context, means “just after the moment that,” “at any and every time that,” or “on condition that.” Webster's Third New World International Dictionary of the English Language 2602 (Philip Babcock Gove ed., 1993) [hereinafter Webster's Dictionary]. All of these definitions indicate that in Section 44, the word “when” means that redistricting may only occur after a new apportionment. Applying this language in the instant case: a new apportionment is a “condition” for redistricting; redistricting must take place “any and every time” a new apportionment occurs; and, redistricting must take place “just after” a new apportionment. Conversely, redistricting may not happen spontaneously or at the inducement of some other unspecified event; it must happen after and only after a new apportionment. Because section 2-2-901(1)(a) defines “new apportionment” to be synonymous with a federal census, redistricting must take place after and only after a census.

Furthermore, as other states have found, when the constitution specifies a timeframe for redistricting, then, by implication, it forbids performing that task at other times. *People ex rel. Mooney v. Hutchinson*, 172 Ill. 486, 50 N.E. 599, 601 (1898) (“Where there are provisions inserted by the people as to the time when a power shall be exercised, there is at least a strong presumption that it should be exercised at that time, and in the designated mode only; and such provisions must be regarded as limitations upon the power”); *Denney v. State ex rel. Basler*, 144 Ind. 503, 42 N.E. 929, 931-32 (1896) (“The fixing, too, by the constitution, of a time or a mode for the doing of an act, is, by necessary implication, a forbidding of any other time or mode for the doing of such act.”). Here, Section 44 specifies the time for redistricting—just after a new apportionment—and the logical conclusion is that redistricting is forbidden at other times.

We also look to the text of Section 44 as it was originally written to confirm our interpretation of the current language. When ratified in 1876, Section 44 said that although there was then only one United States Representative from Colorado, the General Assembly should create more districts “when” the state received more seats. This clear mandate did not give the General Assembly unfettered authority to create new districts. It is absurd to imagine the General Assembly drawing districts before Congress gave a second seat in the House of Representatives. Instead, the second sentence requires that congressional apportionment be a necessary and logical trigger for the General Assembly to perform its task. Unfettered authority is especially un-

likely in light of the limited authority the Colorado Constitution originally gave to Colorado's General Assembly.

In its brief and during oral argument, the General Assembly strongly asserted that the 1974 changes in Section 44 were technical changes intended to eliminate obsolete language. They assure us that no substantive changes were made in Section 44. Thus, the second sentence of Section 44, as it was originally written, placed a temporal restriction on redistricting, and the temporal limitation remains in the most recent version of Section 44.

To read the second sentence to mean otherwise would render it superfluous. The first sentence of Section 44 says: “The General Assembly shall divide the state into as many congressional districts as there are representatives in congress . for the election of one representative to congress from each district.” The second sentence says:

“When a new apportionment shall be made by congress, the general assembly shall divide the state into congressional districts accordingly.” If the second sentence did not place a time constraint upon redistricting, then all that would remain of this sentence would be a directive for the General Assembly to divide the state into single-member districts-exactly what the first sentence in Section 44 already requires.

We will not assume that the 1974 technical changes to Section 44 rendered the second sentence superfluous. See, e.g., *Welby Gardens v. Adams County Bd. of Equalization*, 71 P.3d 992, 995 (Colo.2003) (saying that “[i]n construing a statute, interpretations that render statutory provisions superfluous should be avoided”); *Grant v. People*, 48 P.3d 543, 547 (Colo.2002). Instead, we interpret Section 44 to mean that the General Assembly (or voters by initiative, or the courts) must create as many congressional districts as there are congressional representatives, and it must do so at a specific time-after a census.

The framers' intent to limit the frequency of congressional redistricting is evident when the congressional redistricting language in the original 1876 Constitution is compared with the legislative redistricting language from 1876. Section 44 originally limited the timeframe for congressional redistricting, as it still does, to “when a new apportionment shall be made by Congress.” Section 47, however, originally said that “[s]enatorial and representative districts may be altered from time to time, as public convenience may require.” Colo. Const. art. V., § 47 (amended 1974) (emphasis added). “From time to time” means “occasionally” or “once in a while.” Webster's Dictionary at 2395. In *Armstrong v. Mitten*, this court assumed without deciding that this language allowed legislative redistricting more than once per census period. 95 Colo. 425, 428, 37 P.2d 757, 758 (1934). The contrast between these two sections clearly demonstrates that the framers intended to restrict the frequency of congressional redistricting to once per census. If the framers had intended to allow the General Assembly to draw the congressional districts at will, without temporal limitation, they would have used the “from time to time” language that they used in Section 47.

Our interpretation is supported by history and custom. We have never been called upon to interpret Section 44 in the past because the General Assembly has never before drawn congressional districts more than once per decade. Just the opposite is true. As we discussed earlier in this opinion, the legislature has only redistricted six times when it should have done so thirteen times.¹¹ The legislature has been so reluctant to draw new districts that it allowed at-large elections for newly created seats in 1902-1912.¹² And it did not act at all during the four decades between 1921 and 1964.

This reluctance to redistrict is even more significant in light of the fact that state political control has changed hands many times over the years. Since 1915, when the Colorado session laws began listing the party affiliation for the state legislators,¹³ political control of the General Assembly and governorship has been in the hands of a single political party quite often. The state was entirely in Republican hands in 1915-16, 1921-22, 1925-26, 1943-46, 1951-54, 1963-64, 1967-74, 1999-2000, and 2003. And Colorado was controlled by Democrats in 1917-18, 1933-38, and 1957-62. Yet since 1915, the General Assembly only redistricted four times: 1921, 1964, 1971, and 1992. If the General Assembly has always understood the state constitution to allow redistricting more than once per decade, there should be some evidence that it exercised that power. Yet there is none. Even when the party in control changed, there was no new redistricting of congressional seats.

This is the tradition in many other states as well. As one author put it, politicians understand that a census is a necessary prerequisite for redistricting:

[T]here is no denying that when a new party gains a legislative majority in mid-decade it does not redistrict the state's congressional delegation right away but waits until the next Census. This is another of the "rules of the game" in legislative life, for everyone wants to avoid violent seesaws in policy.

Hacker, *Congressional Districting* at 66.

The 1999 General Assembly also interpreted the state constitution to limit congressional redistricting to once per decade when it enacted section 2-2-901. See Ch. 170, sec. 1, § 2-2-901, 1999 Colo. Sess. Laws 559, 559-60. Subsection 2-2-901(1)(a) says that congressional redistricting "occurs after each federal decennial census." Subsection 2-2-901(1)(b), regarding legislative redistricting, similarly states that legislative redistricting occurs "after each federal census." It is undisputed that the state constitution now limits legislative redistricting to once every ten years, so we find it significant that the Colorado General Assembly used the same language to describe the timeframe for both legislative and congressional redistricting.¹⁴ This statute is yet another indication that the Colorado Constitution requires congressional redistricting once and only once per decade.

In sum, the plain language of Section 44, the General Assembly's past redistricting customs, and the General Assembly's own interpretation of Section 44 all demonstrate that the framers of the Colorado Constitution intended that congressional districts must only be drawn once per decade.

E. Other Jurisdictions

Although certainly not binding authority, we have looked to other states for guidance. The constitutions of our sister states vary. Some set forth detailed schedules for redistricting immediately following each decennial census. See, e.g., Ariz. Const. art. IV, part 2, § 1. Other states simply require redistricting in the legislative session immediately following a decennial census. See, e.g., Utah Const. art. IX, § 1. Still others allow congressional redistricting “at any time” or “from time to time.” See, e.g., S.C. Const. art. VII, § 13; Wyo. Const. art. III, § 49. Finally, some state constitutions do not address congressional redistricting at all. See generally, e.g., Tex. Const. Despite the differences in state approaches to congressional redistricting, we have found no decision by any state's highest court that has interpreted its constitution to allow redistricting more than once per decade. To the contrary, many have concluded that congressional redistricting may only occur once per census period.

For example, in 1983, California emphatically reinforced its prior holdings that the state constitution prohibits redistricting more than once per decade. *Legislature v. Deukmejian*, 34 Cal.3d 658, 194 Cal.Rptr. 781, 669 P.2d 17 (1983). Article 21, Section 1, of the California Constitution provided: “In the year following the year in which the national census is taken . the Legislature shall adjust the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts.” In *Deukmejian*, the California Supreme Court recounted over seventy-five years of cases consistently upholding the “once-a-decade rule.” *Id.* at 22-24. The first California case so holding was *Wheeler v. Herbert*, 152 Cal. 224, 92 P. 353 (1907). *Wheeler* also cited and discussed similar holdings from several other states, including New York, Massachusetts, Michigan, Ohio, Wisconsin, Virginia, and North Carolina. *Deukmejian*, 194 Cal.Rptr. 781, 669 P.2d at 23. Since *Wheeler*, California courts have been consistently emphatic in holding that congressional redistricting can only occur once per decade.

There are only two authorities to the contrary that we have found or that were noted in the numerous briefs filed in this redistricting case. The first case was from South Carolina, which has a constitutional provision very different from Colorado's. In 2002, the South Carolina General Assembly was unable to pass a congressional redistricting bill. *Colleton County Council v. McConnell*, 201 F.Supp.2d 618 (D.S.C.2002). Because the redistricting plan in effect in 2002 had been enacted prior to the 2000 census, the Federal District Court for South Carolina declared the existing plan unconstitutional and drew its own districts. *Id.* The federal court, however, was careful to say that its plan was only effective until and unless the state General Assem-

bly enacted a plan. *Id.* at 670-71. This reasoning was in light of the specific language in the South Carolina Constitution saying that the “General Assembly may at any time arrange the various Counties . into Congressional Districts.” S.C. Const. art. VII, § 13. This “at any time” language allows the South Carolina General Assembly much greater freedom to draw congressional districts than the Colorado Constitution allows the Colorado General Assembly. The Colorado Constitution only allows redistricting “when” there is a census.

The second authority was from a federal district court in Florida. *Johnson v. Mortham*, 915 F.Supp. 1529 (N.D.Fla.1995). Prior to *Johnson*, the Florida legislature had failed to pass a congressional redistricting plan for the 1992 election, so a federal three-judge panel created a plan instead. *Id.* at 1533; *DeGrandy v. Wetherell*, 794 F.Supp. 1076 (N.D.Fla.1992). Subsequently, the *Johnson* court held that the three-judge panel had no authority to create a permanent redistricting plan,¹⁵ and that the state legislature had authority to replace the judicial plan with its own plan at any time. 915 F.Supp. at 1544.

Before reaching its conclusion, the court acknowledged three federal cases that have adopted “permanent” redistricting plans. *Id.* In the first, *Connor v. Coleman*, the United States Supreme Court ordered a district court to adopt a permanent reapportionment plan for the Mississippi Legislature. 425 U.S. 675, 96 S.Ct. 1814, 48 L.Ed.2d 295 (1976). Then, in *Garza v. County of Los Angeles*, the Ninth Circuit upheld a lower court's adoption of a permanent plan for county supervisor districts. 918 F.2d 763 (9th Cir.1990). Finally, in *Kimble v. County of Niagara*, a federal court in New York adopted a permanent plan for elections to the county legislature. 826 F.Supp. 664 (W.D.N.Y.1993).

Notwithstanding these cases, the *Johnson* court held that two opposing cases constituted the “clear weight of authority” that courts cannot create permanent districts. Neither of these two cases is relevant to the case at hand, however. Neither involved the question of whether a legislature could redistrict in the same census period after a prior court-imposed plan; neither is factually similar to the instant case; neither examined a state constitution; and certainly neither interpreted constitutional provisions similar to Colorado's.

Instead, both cases involved legislatively adopted plans. In *Burns v. Richardson*, the Hawaii senate redistricting plan was expressly adopted to bridge the time gap until a constitutional convention could be convened to amend state constitutional provisions regarding redistricting. 384 U.S. 73, 80, 86 S.Ct. 1286, 16 L.Ed.2d 376 (1966). We have no similar issue here. In the other case, *Wise v. Lipscomb*, there is no majority opinion. 437 U.S. 535, 98 S.Ct. 2493, 57 L.Ed.2d 411 (1978). The plurality opinion states that a federal court may “devise and impose a reapportionment plan pending later legislative action.” *Id.* at 540, 98 S.Ct. 2493 (opinion of White, J., with Stewart,

J., concurring). However, the statement is dicta because the plan involved in that case was found to be a legislative plan, not a court-imposed plan.

Our decision today is based upon Article V, Section 44, of the Colorado Constitution. Because Wise and Burns do not interpret any state constitution or statute involving redistricting, we do not find these cases persuasive or even relevant to our analysis. Even if we assume without deciding that the federal Constitution does not prohibit mid-decade congressional redistricting, our state constitution does not allow it and this is a question of state law.

F. Public Policy Considerations

Our holding today not only is consistent with custom, precedent, and other states' laws, but also rests upon solid policy foundations. The framers of the United States Constitution intended the House of Representatives to “have an immediate dependence upon, and sympathy with the people.” Joseph Story, *Story's Commentaries on the Constitution* § 291 (1833) [hereinafter *Story's Commentaries*]. Unlike the Senate, the House should “emanate directly from” the American people and “guard their interests, support their rights, express their opinions, make known their wants, redress their grievances, and introduce a pervading popular influence throughout all the operations of the government.” *Id.* For this to be true, according to Justice Story, the representatives' power, influence, and responsibility must be directly tied to the constituents. *Id.* at § 292. A “fundamental axiom of republican governments,” he said, is that there must be “a dependence on, and a responsibility to, the people, on the part of the representative, which shall constantly exert an influence upon his acts and opinions, and produce a sympathy between him and his constituents.” *Id.* at § 300.

The framers knew that to achieve accountability, there must be stability in representation. During the debates over the frequency of congressional elections, James Madison said: “Instability is one of the great vices of our republics, to be remedied.” I 1787: *Drafting the U.S. Constitution* 212 (Wilbourn E. Benton ed., 1986) (notes of Mr. Madison). At the same time, the framers recognized that as the new union evolved, the population of the states would shift and grow and require changes in the distribution of congressional seats. *Id.* at 376. This fundamental tension between stability and equal representation led the framers to require ten years between apportionments. *Armstrong v. Mitten*, 95 Colo. 425, 433-34, 37 P.2d 757, 761 (1934) (citing with approval *People ex rel. Snowball v. Pendegast*, 96 Cal. 289, 31 P. 103, 105 (1892), which says the framers of the state constitution must have consciously balanced the upheaval associated with redistricting with the need for equal representation). This ten-year interval was short enough to achieve fair representation yet long enough to provide some stability.

Our interpretation of Article V, Section 44, of the Colorado Constitution supports these notions of accountability and fairness. Limiting redistricting to once every ten

years maximizes stability. In its brief, the General Assembly, however, argues that it should be allowed to redistrict two, or even ten times in a single decade. If the districts were to change at the whim of the state legislature, members of Congress could frequently find their current constituents voting in a different district in subsequent elections. In that situation, a congressperson would be torn between effectively representing the current constituents and currying the favor of future constituents.

Moreover, the time and effort that the constituents and the representative expend getting to know one another would be wasted if the districts continually change. See James A. Gardner, *One Person, One Vote and the Possibility of Political Community*, 80 N.C. L.Rev. 1237, 1242 (saying that “[a] boundary that is continually moving is one that is unlikely to serve as any kind of imaginative focal point for communal identity .” and “[r]edistricting thus flattens identity within a jurisdiction by preventing subcommunities from enjoying the kind of stability and sense of permanence that are necessary ingredients for communal self-identification and, ultimately, differentiation”). Instead, we find that the framers of the Colorado Constitution intended to balance stability and fairness by both requiring and limiting redistricting to once per decade.¹⁶ Had they wished to have more frequent redistricting, the framers would have said so. They did not.

VI. The Holding in This Redistricting Case

Having held that the Colorado Constitution limits redistricting to once per decade, we now turn to the facts of the redistricting case at hand. Here, the Colorado General Assembly failed to create new congressional districts before the 2002 general elections, despite one regular session and two special sessions. In lieu of a legislative plan, the state district court was obligated to set forth its own carefully considered plan. This court upheld the district court's plan in *Beauprez v. Avalos*. 42 P.3d 642 (2002). Then, in 2002, seven U.S. Representatives were elected under this new plan. In May of 2003, however, the General Assembly passed a new congressional redistricting plan of its own.

Under our holding today, the General Assembly may only create a redistricting plan after the federal census (and the resulting congressional apportionment to the states) and before the ensuing general election. In this case, that would have been between April 1, 2001, when the U.S. Congress notified Colorado that it would gain an additional representative, and March 11, 2002, when the election process began. As we know, the General Assembly failed to act within this time frame. The fact that the courts were forced to create the 2002 redistricting plan in the absence of a valid legislative plan makes no difference. Congressional districts created by a court are equally effective as those created by the General Assembly and disruption of those districts triggers the same policy concerns. Consequently, the General Assembly's 2003 redistricting plan is not permitted by Article V, Section 44, of the Colorado Constitution

because it is the second redistricting plan after the 2000 census. Hence, Senate Bill 03-352 is unconstitutional and void.

VII. Conclusion

We make our rule to show cause absolute in case number 03SA133, and discharge our rule to show cause in case number 03SA147. Until Congress apportions seats to Colorado after the next federal census, the Secretary of State is ordered to conduct congressional elections according to the plan approved in *Beauprez v. Avalos*.

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MEMORANDUM E¹

TO: Statutory Revision Committee

FROM: Kristen Forrestal, Office of Legislative Legal Services

DATE: August 10, 2016

SUBJECT: Repealing an erroneous reference to a non-existing fund in § 40-2-123 (2) (k), C.R.S.

Summary

This issue came to the attention of the Office of Legislative Legal Services' staff during its annual prepublication review of title 40, C.R.S. Section 40-2-123 (2) (k), C.R.S., authorizes an appropriation from the clean energy development fund. This fund does not exist.

Analysis

Section 40-2-123 (2) (k), C.R.S., authorizes an appropriation of money from the clean energy development fund, created in § 24-22-118, C.R.S., and reads as follows:

40-2-123. New energy technologies - consideration by commission - incentives - demonstration projects - definitions - legislative declaration. (2) (k) To encourage advanced coal technology, which should lead to lower emissions and other environmental benefits compared to conventional coal-fired generation, financial support for the study, engineering, and development of an

¹ This legal memorandum was prepared by the Office of Legislative Legal Services (OLLS) in the course of its statutory duty to provide staff assistance to the Statutory Revision Committee (SRC). It does not represent an official legal position of the OLLS, SRC, General Assembly, or the state of Colorado, and is not binding on the members of the SRC. This memorandum is intended for use in the legislative process and as information to assist the SRC in the performance of its legislative duties.

IGCC facility shall be appropriated *from the clean energy development fund created in section 24-22-118, C.R.S.* The utility shall report to the commission the results of its study, irrespective of whether the utility files an application with the commission under paragraph (c) of this subsection (2). **(emphasis added)**

The introduced version of House Bill 06-1322 created the clean energy development fund in § 24-22-118, C.R.S. This section of the bill was removed by amendment before the bill was enacted, so there is neither a clean energy development fund nor a § 24-22-118. Current law, however, authorizes an appropriation of money from this nonexistent fund in § 40-2-123 (2) (k), C.R.S.

Statutory Charge²

Because § 40-2-123 (2) (k), C.R.S., references a fund that does not exist, it presents a defect in current law.

Proposed Bill

If the Statutory Revision Committee desires the Office of Legislative Legal Services to prepare a bill draft to fix this section of law, the draft bill would simply repeal the first sentence of § 40-2-123 (2) (k), C.R.S.

² The Statutory Revision Committee is charged with "[making] an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms" and recommending "legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions". Section 2-3-902 (1), C.R.S. In addition, the Committee "shall propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes." Section 2-3-902 (3), C.R.S.

NOTE: The governor signed this measure on 6/10/2016.

An Act

HOUSE BILL 16-1077

BY REPRESENTATIVE(S) Moreno, Arndt, Becker K., Kraft-Tharp, Ryden, Young, Lebsock, Lontine, Thurlow;
also SENATOR(S) Martinez Humenik, Heath, Hill, Holbert, Kerr, Newell, Steadman.

CONCERNING THE RECREATION OF THE STATUTORY REVISION COMMITTEE,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **recreate and reenact, with amendments**, part 9 of article 3 of title 2 as follows:

PART 9 STATUTORY REVISION COMMITTEE

2-3-901. Statutory revision committee - creation - repeal.

(1) THERE IS HEREBY CREATED IN THE LEGISLATIVE DEPARTMENT THE STATUTORY REVISION COMMITTEE, REFERRED TO IN THIS PART 9 AS THE "COMMITTEE". THE COMMITTEE CONSISTS OF TEN MEMBERS, APPOINTED AS FOLLOWS:

(a) THE SPEAKER AND MINORITY LEADER OF THE HOUSE OF

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

REPRESENTATIVES SHALL EACH APPOINT TWO MEMBERS FROM THE HOUSE OF REPRESENTATIVES;

(b) THE PRESIDENT AND MINORITY LEADER OF THE SENATE SHALL EACH APPOINT TWO MEMBERS FROM THE SENATE; AND

(c) TWO NONVOTING NONLEGISLATIVE MEMBERS, APPOINTED BY THE COMMITTEE ON LEGAL SERVICES, WHO ARE ATTORNEYS-AT-LAW ADMITTED TO PRACTICE IN COLORADO. THE MEMBERS APPOINTED UNDER THIS PARAGRAPH (c) SHALL NOT BE AFFILIATED WITH THE SAME POLITICAL PARTY.

(2) EXCEPT AS PROVIDED IN SUBSECTION (9) OF THIS SECTION, THE LEGISLATIVE MEMBERS OF THE COMMITTEE MUST BE APPOINTED NO LATER THAN TEN DAYS AFTER THE CONVENING OF THE FIRST REGULAR SESSION OF EACH GENERAL ASSEMBLY AND THE NONLEGISLATIVE MEMBERS APPOINTED UNDER PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION MUST BE APPOINTED AT THE FIRST MEETING OF THE COMMITTEE ON LEGAL SERVICES FOLLOWING THE ORGANIZATION OF THAT COMMITTEE PURSUANT TO SECTION 2-3-502 (4) IN THE FIRST REGULAR SESSION OF EACH GENERAL ASSEMBLY. MEMBERSHIP ON THE COMMITTEE OF EACH SUCH APPOINTIVE MEMBER TERMINATES UPON THE APPOINTMENT OF HIS OR HER SUCCESSOR OR UPON TERMINATION OF HIS OR HER OFFICE IN THE GENERAL ASSEMBLY, WHICHEVER OCCURS FIRST. IN THE CASE OF THE MEMBERS APPOINTED UNDER PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION, APPOINTMENTS ARE FOR TWO-YEAR TERMS, WHICH TERMS COMMENCE THE DATE ON WHICH THE COMMITTEE ON LEGAL SERVICES MAKES THE APPOINTMENTS.

(3) A VACANCY IN THE OFFICE OF A MEMBER MUST BE IMMEDIATELY FILLED BY THE ORIGINAL APPOINTING AUTHORITY.

(4) ANY MEMBER OF THE COMMITTEE MAY SERVE FOR SUCCEEDING TERMS ON THE COMMITTEE.

(5) THE COMMITTEE SHALL SELECT FROM AMONG ITS MEMBERS A CHAIRPERSON AND A VICE-CHAIRPERSON. THE CHAIRPERSON AND VICE-CHAIRPERSON SHALL NOT BE AFFILIATED WITH THE SAME POLITICAL PARTY. EXCEPT AS PROVIDED IN SUBSECTION (9) OF THIS SECTION, THE CHAIR SERVES AS CHAIR FOR THE FIRST REGULAR SESSION OF THE GENERAL ASSEMBLY THROUGH THE LEGISLATIVE INTERIM IMMEDIATELY FOLLOWING,

AND AS VICE-CHAIR WHEN THE SECOND REGULAR SESSION COMMENCES; THE VICE-CHAIR SERVES AS CHAIR FROM THE COMMENCEMENT OF THE SECOND REGULAR SESSION THROUGH THE LEGISLATIVE INTERIM IMMEDIATELY FOLLOWING.

(6) THE COMMITTEE MAY MEET AS OFTEN AS NECESSARY, BUT IT SHALL MEET AT LEAST TWICE IN EACH CALENDAR YEAR. THE COMMITTEE MAY MEET DURING THE LEGISLATIVE SESSIONS AND DURING THE INTERIM BETWEEN SESSIONS.

(7) LEGISLATIVE MEMBERS OF THE COMMITTEE SHALL BE REIMBURSED FOR NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES AND PAID THE SAME PER DIEM COMPENSATION AS PROVIDED BY LAW FOR MEMBERS OF INTERIM LEGISLATIVE COMMITTEES FOR EACH DAY OF ATTENDANCE.

(8) THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL PROVIDE STAFF ASSISTANCE TO THE COMMITTEE.

(9) (a) IN ORDER FOR THE COMMITTEE TO BEGIN ITS WORK DURING THE 2016 LEGISLATIVE INTERIM, INITIAL APPOINTMENTS TO THE COMMITTEE MUST BE MADE AS EXPEDITIOUSLY AS POSSIBLE FOLLOWING THE EFFECTIVE DATE OF HOUSE BILL 16-1077, ENACTED IN 2016. FOR THE PURPOSES OF WORKING WITH STAFF TO ORGANIZE THE COMMITTEE AND ARRANGE FOR ITS FIRST MEETING, THE FIRST MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TEMPORARILY SERVES AS CHAIR OF THE COMMITTEE. A CHAIR AND VICE-CHAIR MUST BE SELECTED AT THE FIRST COMMITTEE MEETING DURING THAT INTERIM. THE CHAIR AND VICE-CHAIR HOLD THOSE POSITIONS THROUGH THE COMMENCEMENT OF THE FIRST REGULAR SESSION OF THE SEVENTY-FIRST GENERAL ASSEMBLY.

(b) THE COMMITTEE ON LEGAL SERVICES SHALL MAKE ITS INITIAL APPOINTMENTS TO THE COMMITTEE PURSUANT TO PARAGRAPH (c) OF SUBSECTION (1) OF THIS SECTION AS SOON AS PRACTICABLE AT ONE OF ITS REGULARLY SCHEDULED MEETINGS DURING THE 2016 LEGISLATIVE INTERIM. THE LATER APPOINTMENT OF SUCH MEMBERS SHALL NOT PREVENT THE COMMITTEE FROM ORGANIZING AND COMMENCING ITS WORK.

(c) THIS SUBSECTION (9) IS REPEALED, EFFECTIVE JANUARY 1, 2018.

2-3-902. Duties of committee. (1) THE COMMITTEE SHALL:

(a) MAKE AN ONGOING EXAMINATION OF THE STATUTES OF THE STATE AND CURRENT JUDICIAL DECISIONS FOR THE PURPOSE OF DISCOVERING DEFECTS AND ANACHRONISMS IN THE LAW AND RECOMMENDING NEEDED REFORMS; EXCEPT THAT THE COMMITTEE SHALL NOT CONSIDER ANY MATTER THAT IS CURRENTLY PENDING OR APPEALABLE BEFORE ANY COURT;

(b) RECEIVE, SOLICIT, AND CONSIDER PROPOSED CHANGES IN THE LAW RECOMMENDED BY THE AMERICAN LAW INSTITUTE, ANY BAR ASSOCIATION, OR OTHER LEARNED BODIES;

(c) RECEIVE, SOLICIT, AND CONSIDER SUGGESTIONS FROM JUSTICES, JUDGES, LEGISLATORS, AND OTHER PUBLIC OFFICIALS, LAWYERS, AND THE PUBLIC GENERALLY AS TO DEFECTS AND ANACHRONISMS IN THE LAW;

(d) RECOMMEND, UPON AN AFFIRMATIVE VOTE BY AT LEAST FIVE LEGISLATIVE MEMBERS OF THE COMMITTEE, AND IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION, LEGISLATION ANNUALLY TO EFFECT SUCH CHANGES IN THE LAW AS IT DEEMS NECESSARY IN ORDER TO MODIFY OR ELIMINATE ANTIQUATED, REDUNDANT, OR CONTRADICTORY RULES OF LAW AND TO BRING THE LAW OF THIS STATE INTO HARMONY WITH MODERN CONDITIONS; AND

(e) REPORT ITS FINDINGS AND RECOMMENDATIONS ON OR BEFORE NOVEMBER 15 OF EACH YEAR TO THE LEGISLATURE AND, IF IT DEEMS ADVISABLE, ATTACH TO ITS REPORT COPIES OF ANY PROPOSED BILLS INTENDED TO CARRY OUT ANY OF ITS RECOMMENDATIONS.

(2) ANY LEGISLATION PROPOSED BY THE COMMITTEE AND SPONSORED BY A COMMITTEE MEMBER UNDER PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION IS EXEMPT FROM THE FIVE-BILL LIMITATION SPECIFIED IN RULE 24 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(3) THE COMMITTEE SHALL PROPOSE LEGISLATION ONLY TO STREAMLINE, REDUCE, OR REPEAL PROVISIONS OF THE COLORADO REVISED STATUTES. THE COMMITTEE SHALL ENDEAVOR TO RECOMMEND LEGISLATION THAT CUMULATIVELY HAS, IN EACH LEGISLATIVE SESSION, NO

NET INCREASE IN THE NUMBER OF LAWS OR PAGES OF LAWS IN THE COLORADO REVISED STATUTES.

SECTION 2. Appropriation. (1) For the 2016-17 state fiscal year, \$21,628 is appropriated to the legislative department. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$16,756 for use by the office of legislative legal services, which amount is based on an assumption that the office of legislative legal services will require an additional 0.3 FTE; and

(b) \$4,872 for use by the general assembly for legislator travel and per diem.

SECTION 3. 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.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

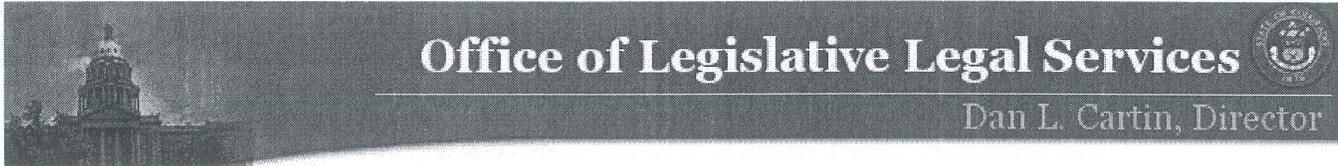
Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO



Office of Legislative Legal Services

Dan L. Cartin, Director

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Statutory Revision Committee

[HB16-1077 \(Recreates and Reenacts the Statutory Revision Committee\)](#)

Upcoming Meetings

August 17, 2016, at 9:00 a.m. in House Committee Room 0112

Committee Members

Representatives

Dominick Moreno (temporary chair)
Jeni Arndt
Timothy Dore
Dan Thurlow

Senators

Chris Holbert
Andy Kerr
Pat Steadman
Jack Tate

Nonvoting Nonlegislative Members

TBD by the [Committee on Legal Services](#)

Staff Contacts

- Kate Meyer
- Jessica Wigent
- Patty Amundson
- Kristen Forrestal
- Jane Ritter

To contact staff, please call 303-866-2045 or email StatutoryRevision.ga@state.co.us.

SRC Mailing List

[Subscribe to the SRC mailing list](#) if you wish to receive an e-mail notification that the committee has an upcoming meeting.

Duties of the Committee

In accordance with § 2-3-902, C.R.S., the committee shall:

- Make an ongoing examination of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms; except that the committee

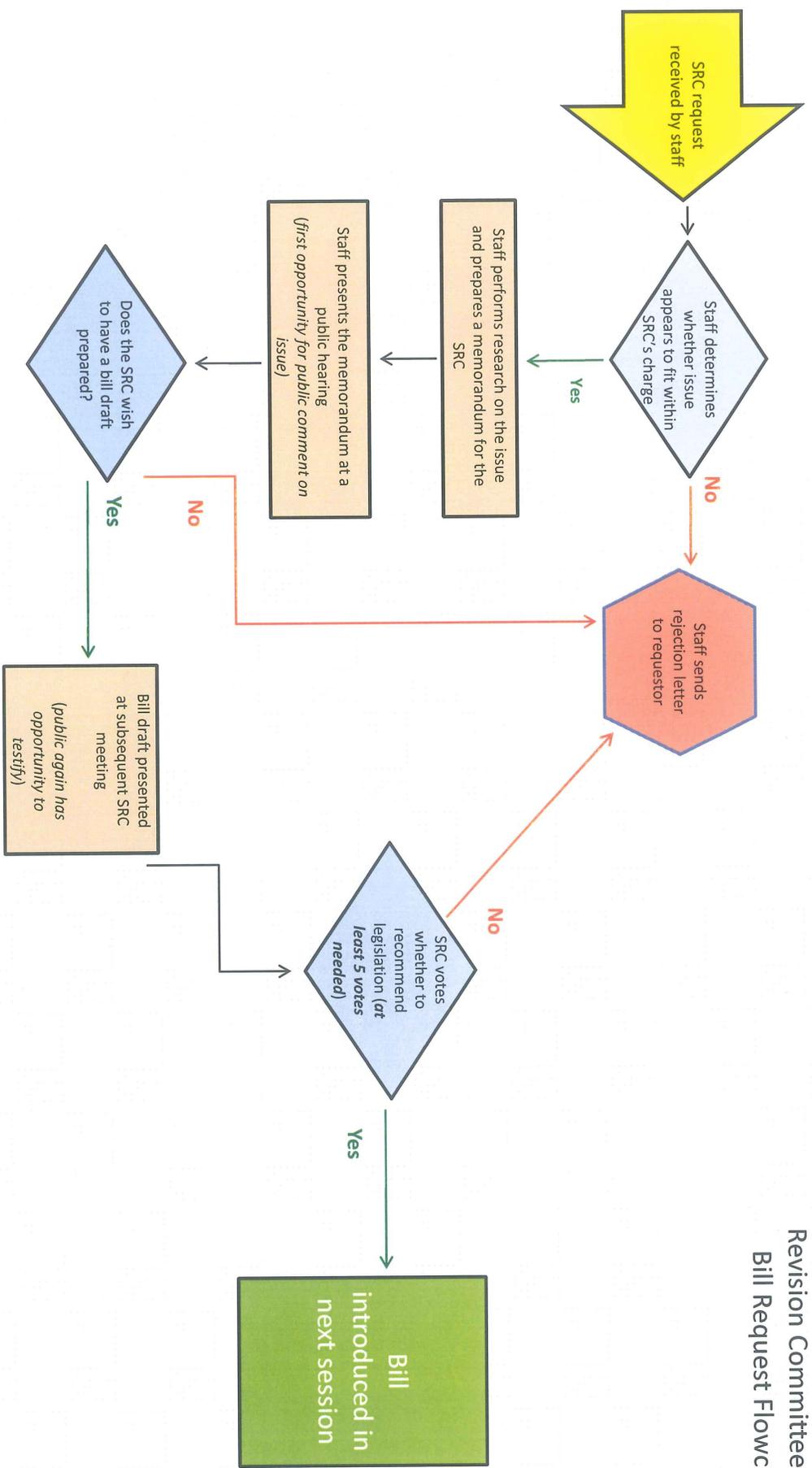
shall not consider any matter that is currently pending or appealable before any court;

- Receive, solicit, and consider proposed changes in the law recommended by the American Law Institute, any bar association, or other learned bodies;
- Receive, solicit, and consider suggestions from justices, judges, legislators, and other public officials, lawyers, and the public generally as to defects and anachronisms in the law;
- Recommend legislation annually to effect such changes in the law as it deems necessary in order to modify or eliminate antiquated, redundant, or contradictory rules of law and to bring the law of this state into harmony with modern conditions;
- Report its findings and recommendations on or before November 15 of each year to the legislature and, if it deems advisable, attach to its report copies of any proposed bills intended to carry out any of its recommendations; and
- Propose legislation only to streamline, reduce, or repeal provisions of the Colorado Revised Statutes. The committee shall endeavor to recommend legislation that cumulatively has, in each legislative session, no net increase in the number of laws or pages of laws in the Colorado Revised Statutes.

Office of Legislative Legal Services, State Capitol Building, 200 E Colfax Ave Ste 091, Denver, Colorado 80203-1716
Telephone: 303-866-2045 | Facsimile: 303-866-4157
Send comments about this web page to: olls.ga@state.co.us

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**Proposed Statutory
Revision Committee (SRC)
Bill Request Flowchart**

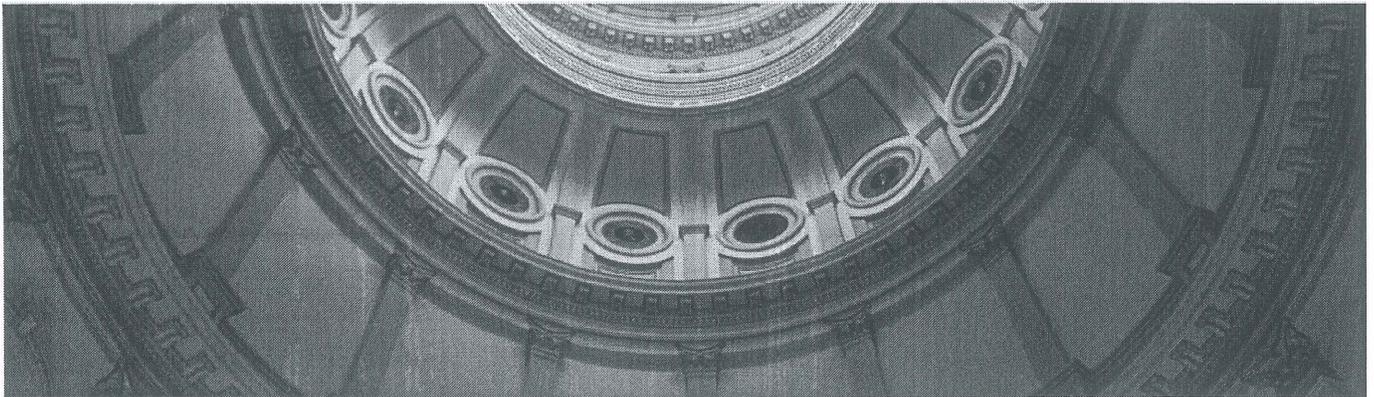


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> 2013 > November > 21 > Can't You Fix That in the Revisor's Bill?

Can't You Fix That in the Revisor's Bill?

oll's  November 21, 2013

by Jennifer Gilroy, Revisor of Statutes

It seems that most people who are involved in the legislative process in any way whatsoever have heard about the revisor's bill — a bill viewed as a legislative means of “fixing” problems in the statutes or in legislation. But very few people really seem to have a clear understanding of what the annual revisor's bill can and, more importantly, cannot include. To some, it seems to be a mystical piece of legislation over which a solitary individual (the Revisor of Statutes) randomly (or so it seems) grants (or not) inclusion of a provision they need “fixed”. To others it's simply a boring, technical bill that shows up on the calendar late in the legislative session and is only important to legislative drafters. Well, it's really both of these things and neither of these things...at the same time. The following are a few facts about the often misunderstood revisor's bill.

1. The revisor's bill is statutorily authorized. The actual source and authority for the revisor's bill is statutory. Section 2-5-104, Colorado Revised Statutes, permits the Revisor of Statutes, under the supervision and direction of the Committee on Legal Services, to prepare a bill each year amending or repealing “obsolete, inoperative, imperfect, obscure, or [here's my personal favorite] doubtful laws as...necessary to improve the clarity and certainty of the statutes.” That sounds like fairly broad authority. In fact, it would seem that a person could make a valid argument to include almost anything in the revisor's bill based on these nebulous and admittedly subjective criteria — and they do!

However, the Office of Legislative Legal Services is very circumspect in its approach to the revisor's bill. The Revisor of Statutes is decidedly cautious when exercising her statutorily delegated discretion regarding the contents of the revisor's bill. She is careful to

avoid usurping what is properly the legislature's prerogative and scope of authority. In an effort to attain clarity and certainty of the statutes while respecting the legislature's purview, the Revisor carefully scrutinizes every revisor's bill submission, whether from legislative staff or someone outside the legislative arena.

2. The revisor's bill is an annual legislative committee bill. The Committee on Legal Services recommends and sponsors the revisor's bill each year as legislation intended to make non-substantive, corrective changes to various statutes. However, unlike other bills, this bill is generated by legislative staff. As the result of their meticulous annual review of the Colorado Revised Statutes, legislative editors with the Office of Legislative Legal Services identify the great majority of the provisions included in the revisor's bill each year. The Revisor also receives submissions from legislators, constituents, agency personnel, practitioners, and others who have also found errors or mistakes warranting correction through the bill.

3. The Revisor's criteria for inclusion in the revisor's bill. But not every submission makes it into the revisor's bill. To achieve an appropriate balance between the statutory purposes of the revisor's bill and the legislature's authority, the Revisor of Statutes endeavors to ensure that the changes made by the revisor's bill are non-substantive and consistent with the legislative intent evidenced in prior enactments of the General Assembly. To achieve this balance and to ensure that the provisions in the revisor's bill are purely non-substantive, the Revisor of Statutes uses three criteria to serve as guides. A provision may be included in the revisor's bill if:

1. The statutory provision is (or will be, when codified) broken — in other words, there is a mistake or an error;
2. The mistake or error is apparent on its face or is traceable through the legislative process (such as an amendment that was improperly enrolled); and
3. The “fix” would not be controversial.

For purposes of transparency and to ensure the non-substantive character of every entry in the bill, the revisor's bill is the only bill that is introduced and passed with an attached appendix that explains the reason for each change made in the bill.

4. The revisor's bill is introduced late in the session. While the revisor's bill is introduced late in the legislative session so that it can be used to make corrections in bills from that very session if necessary, the drafting of the bill is generally finalized by March and the bill is prepared for introduction in early April. If an individual would like to request that something be added to the revisor's bill, he or she is encouraged to submit the request to the Revisor of Statutes no later than the end of February, earlier if possible. Once the bill is introduced, an individual may contact the prime sponsors of the bill to amend it in committee or on second reading to include additional provisions or to remove a provision the individual believes should not be included. Typically, the bill sponsors employ the same criteria for post-introduction additions to the bill as the Revisor did in drafting the bill to preserve the bill's non-substantive and non-controversial character.

If you would like additional information about the revisor's bill, please contact Jennifer Gilroy at the Office of Legislative Legal Services.

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STATUTORY REVISION COMMITTEE
REPORT OF FINDINGS AND RECOMMENDATIONS
JANUARY 1985

MEMBERS OF THE COMMITTEE

Rep. Gerald Kopel
Chairman

Rep. Don Mielke

Sen. Ray Peterson

Sen. Jeff Wells

Mr. Gary Tobey
Vice-Chairman

Mr. John Carroll

Mr. Michael Massey

Mr. Greg Dallas

Mr. Douglas Brown
Revisor of Statutes

The Statutory Revision Committee was formed pursuant to section 2-3-901, C.R.S. The duties of the Committee, as provided in section 2-3-902, C.R.S., are to:

- (a) Examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms;
- (b) Receive and consider suggestions from justices, judges, legislators, and other public officials, lawyers, and the public generally as to defects and anachronisms in the law;
- (c) Recommend, from time to time, such changes in the law as it deems necessary in order to modify or eliminate antiquated and inequitable rules of the law and to bring the laws of this state, civil and criminal, into harmony with modern conditions;
- (d) Report its findings and recommendations, from time to time, to the Committee on Legal Services and annually, on or before January 15 of each year, to the General Assembly, and, if it deems advisable, accompany its report with proposed bills to carry out any of its recommendations.

This report consists of the complete text of the attached twelve bills, each of which is preceded by a brief statement of the purpose and content of the bills and, where appropriate, a brief statement regarding the specific findings or recommendations of the Committee.

Also attached is a copy of the subcommittee report concerning issues raised by Mennonite Board of Missions v. Adams, 51 L.W. 4872 (S. Ct. 1983), regarding inadequate notice of proceedings which adversely affect liberty or property interests.

The Committee received 80 suggestions during the interim. Of the 80 suggestions, 30 issues were rejected immediately because the issues were substantive ones that would have involved policy determinations and were, therefore, beyond the Committee's scope. Drafts were prepared on 28 issues. The twelve bills ultimately sponsored by the Committee dealt with 19 issues. Two issues were laid over until next year and four issues were referred to the Revisor's Office for possible inclusion in the Revisor's Bill. After research, testimony, and additional information, the Committee determined that 16 suggestions were not appropriate for the Committee's action because they were not within the Committee's scope.

The suggestions received and rejected by the Committee included the following:

1. increasing juror fees;
2. requiring coroners to be medical doctors;
3. requiring proof of mandatory motor vehicle insurance before registration is issued;
4. eliminating residency requirements for county judges;
5. prohibiting persons from incorporating schools in private homes to teach children;
6. eliminating equal protection problems in the provisions on sexual assault on children by persons acting as guardians;
7. restoring monetary penalties as an alternative punishment in the felony sentencing law;
8. increasing the penalty for littering;
9. adding a statute for fourth degree assault;
10. allowing judges to determine the number of points assessed for leaving the scene of an accident;
11. elimination of appeals from small claims court;
12. allowing a felony conviction based on a less than unanimous verdict;
13. allowing county court judges to set bail in criminal extradition settings;
14. changing the jurisdiction of county courts;
15. changing the bridge weight formula;
16. eliminating the "after deliberation" standard in the homicide statute;
17. clarifying the immunity under the Pest Control District Act;

18. eliminating subrogation in underinsured motorist settings;
19. updating the process for obtaining an out-state deposition;
20. and eliminating the word "village" in several statutes.

Any legislator who is interested in suggested legislation rejected by the Statutory Revision Committee may obtain the available information from Deborah Haskins of the Legislative Drafting Office, at 866-2045.

Respectfully submitted,



Gerald Kopel
Chairman

Bill No. 1

At the suggestion of the Department of Agriculture, the Committee recommends this bill to repeal several bounty provisions that have existed since 1893. The bounties are nominal and the cost to process the bounty far exceeds the amount of the bounty. According to the Department of Agriculture, no one has submitted a request for a bounty in years.

LDO NO. 85 0001/1

SENATE BILL NO.

Statutory Revision Committee
Committee Bill No. 1
BY SENATOR Wells

A BILL FOR AN ACT

1 REPEALING 35-40-107, 35-40-108, 35-40-109, 35-40-110,
2 35-40-111, AND 35-40-112, COLORADO REVISED STATUTES,
3 RELATING TO STATE BOUNTY PROVISIONS PERTAINING TO
4 PREDATORY ANIMALS.

Bill Summary

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

Statutory Revision Committee. Repeals provisions authorizing the department of agriculture to pay nominal bounties for the killing of coyotes and wolves because the cost of processing the bounty exceeds the amount of the bounty, no applications for bounty payment have been made for several years, and one of the animals for which the bounty is offered, the wolf, is a scarce animal in Colorado.

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

6 SECTION 1. Repeal. 35-40-107, 35-40-108, 35-40-109,
7 35-40-110, 35-40-111, and 35-40-112, Colorado Revised
8 Statutes, 1984 Repl. Vol., are repealed.

9 SECTION 2. Safety clause. The general assembly hereby
10 finds, determines, and declares that this act is necessary

- 1 for the immediate preservation of the public peace, health,
- 2 and safety.

Bill No. 2

The Committee was informed that confusion about the method for perfecting interests in securities has arisen because of inconsistencies in the "Uniform Commercial Code". In 1981, in H.B. 1487, amendments were made to article 8 of the Code to adopt uniform changes made to the Code when the definition of "security" was changed. Conforming amendments to articles 1, 5, and 9 were not made at that time. As a result, the Colorado Code is internally inconsistent, does not follow the Uniform Act, and questions have arisen about whether an uncertificated security should be perfected under article 8 or article 9. This bill corrects these problems by enacting the appropriate conforming amendments.

Secondly, the bill repeals an old definition of "security" which should have been repealed when the new definitions of "certificated security", "uncertificated security", and "security" were added to a definition section in article 8.

LDO NO. 85 0005/1

HOUSE BILL NO.

Statutory Revision Committee
Committee Bill No. 2
BY REPRESENTATIVE Mielke

A BILL FOR AN ACT

- 1 CONCERNING CONFORMING CHANGES TO THE "UNIFORM COMMERCIAL CODE"
2 IN RELATION TO UNCERTIFICATED SECURITIES.

Bill Summary

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

Statutory Revision Committee. Removes inconsistencies in the "Uniform Commercial Code" which raised questions about whether an uncertificated security interest should be perfected under article 8 or 9 of the Code. These inconsistencies were caused when the uniform amendments to the "Uniform Commercial Code" were made to article 8 in 1981 in H.B. 1487, but conforming amendments to articles 1, 5, and 9 were not made. Makes conforming amendments which carry out the scheme of creating and perfecting security interests in uncertificated securities which is set forth in article 8. Inserts the word "certificated" in two sections in articles 1 and 5 of the Code to conform with the new definition of an "uncertificated security" and a "certificated security". Repeals a definition of "security" in article 8 which was intended to be replaced by new language added in H.B. 1487 which defined both a "certificated security" and an "uncertificated security".

-
- 3 Be it enacted by the General Assembly of the State of Colorado:
4 SECTION 1. 4-9-103 (3) (a), Colorado Revised Statutes,
5 as amended, is amended, and the said 4-9-103 is further

1 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

2 4-9-103. Perfection of security interests in multiple
3 state transactions. (3) Accounts, general intangibles, and
4 mobile goods. (a) This subsection (3) applies to accounts
5 (other than an account described in subsection (5) of this
6 section on minerals) and general intangibles (OTHER THAN
7 UNCERTIFICATED SECURITIES) and to goods which are mobile and
8 which are of a type normally used in more than one
9 jurisdiction, such as motor vehicles, trailers, rolling stock,
10 airplanes, shipping containers, road building and construction
11 machinery, and commercial harvesting machinery and the like,
12 if the goods are equipment or are inventory leased or held for
13 lease by the debtor to others and are not covered by a
14 certificate of title described in subsection (2) of this
15 section.

16 (6) Uncertificated securities. The law (including the
17 conflict of laws rules) of the jurisdiction of organization of
18 the issuer governs the perfection and the effect of perfection
19 or nonperfection of a security interest in uncertificated
20 securities.

21 SECTION 2. 4-9-105 (1) (i), Colorado Revised Statutes,
22 as amended, is amended to read:

23 4-9-105. Definitions and index of definitions.

24 (1) (i) "Instrument" means a negotiable instrument (defined
25 in section 4-3-104), or a CERTIFICATED security (defined in
26 section 4-8-102) or any other writing which evidences a right

1 to the payment of money and is not itself a security agreement
2 or lease and is of a type which is in ordinary course of
3 business transferred by delivery with any necessary
4 indorsement or assignment;

5 SECTION 3. The introductory portion to 4-9-203 (1),
6 Colorado Revised Statutes, as amended, is amended to read:

7 4-9-203. Attachment and enforceability of security
8 interest - proceeds - formal requisites. (1) Subject to the
9 provisions of section 4-4-208 on the security interest of a
10 collecting bank, SECTION 4-8-321 ON SECURITY INTERESTS IN
11 SECURITIES, and section 4-9-113 on a security interest
12 arising under the article on sales, a security interest is not
13 enforceable against the debtor or third parties with respect
14 to the collateral and does not attach unless:

15 SECTION 4. 4-9-302 (1) (f), Colorado Revised Statutes,
16 is amended to read:

17 4-9-302. When filing is required to perfect security
18 interest - security interests to which filing provisions of
19 this article do not apply. (1) (f) A security interest of a
20 collecting bank (section 4-4-208) OR IN SECURITIES (SECTION
21 4-8-321) or arising under the article on sales (see section
22 4-9-113) or covered in subsection (3) of this section;

23 SECTION 5. 4-9-304 (1) and (4) and the introductory
24 portion to 4-9-304 (5), Colorado Revised Statutes, as amended,
25 are amended to read:

26 4-9-304. Perfection of security interest in instruments,

1 documents, and goods covered by documents - perfection by
2 permissive filing - temporary perfection without filing or
3 transfer of possession. (1) A security interest in chattel
4 paper or negotiable documents may be perfected by filing. A
5 security interest in money or instruments (other than
6 CERTIFICATED SECURITIES OR instruments which constitute part
7 of chattel paper) can be perfected only by the secured party's
8 taking possession, except as provided in subsections (4) and
9 (5) of this section and subsections (2) and (3) of section
10 4-9-306 on proceeds.

11 (4) A security interest in instruments (OTHER THAN
12 CERTIFICATED SECURITIES) or negotiable documents is perfected
13 without filing or the taking of possession for a period of
14 twenty-one days from the time it attaches to the extent that
15 it arises for new value given under a written security
16 agreement.

17 (5) A security interest remains perfected for a period
18 of twenty-one days without filing where a secured party having
19 a perfected security interest in an instrument (OTHER THAN A
20 CERTIFICATED SECURITY), a negotiable document or goods in
21 possession of a bailee other than one who has issued a
22 negotiable document therefor:

23 SECTION 6. 4-9-305, Colorado Revised Statutes, as
24 amended, is amended to read:

25 4-9-305. When possession by secured party perfects
26 security interest without filing. A security interest in

1 letters of credit and advices of credit (subsection (2) (a) of
2 section 4-5-116), goods, instruments (OTHER THAN CERTIFICATED
3 SECURITIES), money, negotiable documents, or chattel paper may
4 be perfected by the secured party's taking possession of the
5 collateral. If such collateral other than goods covered by a
6 negotiable document is held by a bailee, the secured party is
7 deemed to have possession from the time the bailee receives
8 notification of the secured party's interest. A security
9 interest is perfected by possession from the time possession
10 is taken without relation back and continues only so long as
11 possession is retained, unless otherwise specified in this
12 article. The security interest may be otherwise perfected as
13 provided in this article before or after the period of
14 possession by the secured party.

15 SECTION 7. 4-9-309, Colorado Revised Statutes, is
16 amended to read:

17 4-9-309. Protection of purchasers of instruments,
18 documents, and securities. Nothing in this article limits the
19 rights of a holder in due course of a negotiable instrument
20 (section 4-3-302) or a holder to whom a negotiable document of
21 title has been duly negotiated (section 4-7-501) or a bona
22 fide purchaser of a security (section ~~4-8-301~~ 4-8-302) and
23 such holders or purchasers take priority over an earlier
24 security interest even though perfected. Filing under this
25 article does not constitute notice of the security interest to
26 such holders or purchasers.

1 SECTION 8. 4-9-312 (7), Colorado Revised Statutes, as
2 amended, is amended to read:

3 4-9-312. Priorities among conflicting security interests
4 in the same collateral. (7) If future advances are made
5 while a security interest is perfected by filing, or the
6 taking of possession, OR UNDER SECTION 4-8-321 ON SECURITIES,
7 the security interest has the same priority for the purposes
8 of subsection (5) of this section with respect to future
9 advances as it does with respect to the first advance. If a
10 commitment is made before or while the security interest is so
11 perfected, the security interest has the same priority with
12 respect to advances made pursuant thereto. In other cases a
13 perfected security interest has priority from the date the
14 advance is made.

15 SECTION 9. 4-1-201 (5), (14), and (20), Colorado Revised
16 Statutes, are amended to read:

17 4-1-201. General definitions. (5) "Bearer" means the
18 person in possession of an instrument, document of title, or
19 CERTIFICATED security payable to bearer or indorsed in blank.

20 (14) "Delivery" with respect to instruments, documents
21 of title, chattel paper, or CERTIFICATED securities means
22 voluntary transfer of possession.

23 (20) "Holder" means a person who is in possession of a
24 document of title or an instrument or an A CERTIFICATED
25 investment security drawn, issued, or indorsed to him or to
26 his order or to bearer or in blank.

1 SECTION 10. The introductory portion to 4-5-114 (2) and
2 4-5-114 (2) (a), Colorado Revised Statutes, are amended to
3 read:

4 4-5-114. Issuer's duty and privilege to honor - right to
5 reimbursement. (2) Unless otherwise agreed, when documents
6 appear on their face to comply with the terms of a credit but
7 a required document does not in fact conform to the warranties
8 made on negotiation or transfer of a document of title
9 (section 4-7-507) or of a CERTIFICATED security (section
10 4-8-306) or is forged or fraudulent or there is fraud in the
11 transaction:

12 (a) The issuer must honor the draft or demand for
13 payment if honor is demanded by a negotiating bank or other
14 holder of the draft or demand which has taken the draft or
15 demand under the credit and under circumstances which would
16 make it a holder in due course (section 4-3-302) and in an
17 appropriate case would make it a person to whom a document of
18 title has been duly negotiated (section 4-7-502) or a bona
19 fide purchaser of a CERTIFICATED security (section 4-8-302);
20 and

21 SECTION 11. Repeal. 4-8-102 (1) (a), Colorado Revised
22 Statutes, as amended, is repealed.

23 SECTION 12. Effective date. This act shall take effect
24 July 1, 1985.

25 SECTION 13. Safety clause. The general assembly hereby
26 finds, determines, and declares that this act is necessary

- 1 for the immediate preservation of the public peace, health,
- 2 and safety.

Bill No. 3

The Committee was informed that the authority of judicial clerks to collect a fee for actions relating to vital statistics was inadvertently deleted when the Vital Statistics Records Cash Fund was created in 1984 in S.B. 142. It was intended that the fee would be deposited in the cash fund. This bill restores the authority to collect the fee.

Second, this bill removes language which refers to the vital statistics office certifying the cause of death and authorizing the final disposition of the body. This change is made to conform to existing law which designated the attending physician or the county coroner as the proper authority to certify the cause of death (section 25-2-110) and which designates the coroner as the proper authority to authorize final disposition of the body (section 25-2-111 (1)).

Statutory Revision Committee
Committee Bill No. 3
BY SENATOR Wells

A BILL FOR AN ACT

- 1 AMENDING 25-2-107 AND 25-2-111 (1), COLORADO REVISED STATUTES,
2 AS AMENDED, RELATING TO VITAL STATISTICS RECORDS.

Bill Summary

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

Statutory Revision Committee. Because section 25-2-119, C.R.S., was inadvertently repealed in S.B. No. 142 in the 1984 session, judicial administrators have not been collecting the fee on actions affecting vital statistics which was intended in S.B. No. 142 to be credited to the vital statistics records cash fund to defray the cost of maintaining vital statistics records. Enacts a provision similar to section 25-2-119, C.R.S., to allow clerks of state courts of record to collect such fees. Directs that such fees be transmitted to the state treasurer and credited to the vital statistics records cash fund. Deletes unnecessary language relating to obtaining authority for the final disposition of a dead body.

-
- 3 Be it enacted by the General Assembly of the State of Colorado:
4 SECTION 1. 25-2-107, Colorado Revised Statutes, 1982
5 Repl. Vol., as amended, is amended to read:
6 25-2-107. Reports of adoption, dissolution of marriage,
7 parentage, and other court proceedings affecting vital

1 statistics - tax on court action affecting vital statistics.
2 (1) The clerk of each court shall prepare a report containing
3 such information and using such form as may be prescribed and
4 furnished by the state registrar with respect to every decree
5 entered by the court with respect to parentage, legitimacy,
6 adoption, change of name, dissolution of marriage, legal
7 separation, or declaration of invalidity of marriage, and
8 every decree amending or nullifying such a decree, and also
9 with respect to every decree entered pursuant to section
10 25-2-114. On or before the tenth day of each month, or more
11 frequently if so requested by the state registrar, such clerk
12 shall forward to the state registrar the reports for all such
13 decrees entered during the preceding period. ~~as--well--as--the~~
14 ~~sum--of--three-dollars-for-each-such-report;--such-amount-to-be~~
15 ~~credited-to-the-vital-statistics-cash-fund.~~

16 (2) IN ORDER TO HELP DEFRAY THE MAINTENANCE OF VITAL
17 STATISTICS RECORDS, THERE SHALL BE LEVIED, IN ADDITION TO THE
18 TAX LEVIED UNDER SECTION 2-5-119, C.R.S., A TAX OF THREE
19 DOLLARS UPON EACH ACTION WITH RESPECT TO PARENTAGE,
20 LEGITIMACY, ADOPTION, CHANGE OF NAME, DISSOLUTION OF MARRIAGE,
21 LEGAL SEPARATION, OR DECLARATION OF INVALIDITY OF MARRIAGE
22 THAT IS FILED IN THE OFFICE OF EACH CLERK OF A COURT OF RECORD
23 IN THIS STATE ON OR AFTER JULY 1, 1985. THE TAX SHALL BE PAID
24 AT THE TIME OF THE FILING OF SUCH ACTION AND THE CLERK SHALL
25 KEEP SUCH TAX IN A SEPARATE FUND AND SHALL TRANSMIT SUCH TAX
26 MONTHLY TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO

1 THE VITAL STATISTICS RECORDS CASH FUND PURSUANT TO SECTION
2 25-2-121.

3 SECTION 2. 25-2-111(1), Colorado Revised Statutes, 1982
4 Repl. Vol., as amended, is amended to read:

5 25-2-111. Dead bodies - disposition, removal from state,
6 records. (1) Any person requested to act as funeral director
7 for a dead body or otherwise whoever first assumes custody of
8 a dead body shall, prior to final disposition of the body,
9 obtain authorization for final disposition of the body. When
10 ~~certifying--the--cause--of--death;~~ The office designated or
11 established pursuant to section 25-2-103 in the county where
12 the death occurred or, if such an office does not exist in the
13 county where the death occurred, the coroner or the coroner's
14 designee shall authorize final disposition of the body on a
15 form prescribed and furnished by the state registrar. No body
16 shall be buried, cremated, deposited in a vault or tomb, or
17 otherwise disposed of, nor shall any body be removed from this
18 state, until such ~~a---disposition---or---removal---permit~~
19 AUTHORIZATION has been obtained, completed, and approved. by
20 ~~the-office--designated--or--established--pursuant--to--section~~
21 ~~25-2-103-in-the-county-where-the-death-occurred-or;-if-such-an~~
22 ~~office--does-not-exist-in-the-county-where-the-death-occurred;~~
23 ~~approved-by-the-coroner-or--the--coroner's--designee--and--the~~
24 ~~contents--of--such--permit-have-been-communicated-to-the-state~~
25 ~~registrar-pursuant-to-rules-promulgated--pursuant--to--section~~
26 25-2-103-

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

Bill No. 4

The Committee recommends this bill which repeals a provision setting a maximum rate of interest on loans made by a credit union because that section was superseded by section 5-1-108 (1) of the "Uniform Consumer Credit Code", which sets a higher maximum rate on such loans.

LDO NO. 85 0021/1

HOUSE BILL NO.

Statutory Revision Committee
Committee Bill No. 4
BY REPRESENTATIVE Mielke

A BILL FOR AN ACT

1 CONCERNING THE REPEAL OF 11-30-114, COLORADO REVISED STATUTES,
2 AS AMENDED, RELATING TO THE MAXIMUM RATE OF INTEREST ON
3 CREDIT UNION LOANS.

Bill Summary

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

Statutory Revision Committee. Repeals a provision which set a maximum rate of interest on loans made by a credit union because it was superseded by provisions in the "Uniform Consumer Credit Code" which set a higher maximum rate on such loans.

4 Be it enacted by the General Assembly of the State of Colorado:
5 SECTION 1. Repeal. 11-30-114, Colorado Revised
6 Statutes, as amended, is repealed.
7 SECTION 2. Safety clause. The general assembly hereby
8 finds, determines, and declares that this act is necessary
9 for the immediate preservation of the public peace, health,
10 and safety.

Bill No. 5

At the suggestion of the Division of Licensing and Elections, the Committee recommends this bill to substitute the state controller for the state auditor in the statute concerning the official who reviews reimbursement requests for recall election expenses for state officers. This change is consistent with a change made for recall expenses of county officials in H.B. 1151 in 1983.

LDO NO. 85 0022/1

HOUSE BILL NO.

Statutory Revision Committee
Committee Bill No. 5
BY SENATOR Wells

A BILL FOR AN ACT

1 CONCERNING THE DESIGNATION OF THE OFFICIAL WHO REVIEWS
2 REQUESTS FOR REIMBURSEMENT OF EXPENSES FOR RECALL
3 ELECTIONS.

Bill Summary

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

Statutory Revision Committee. Corrects an apparent inconsistency relating to the identity of the state official in charge of reviewing requests by public officials for reimbursement of recall election expenses. Substitutes the state controller for the state auditor in the provision allowing for reimbursement of recall expenses for state officers to be consistent with a change which was made for county officials in 1983 in H.B. No. 1151.

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

5 SECTION 1. 24-9.5-109 (3) (d), Colorado Revised
6 Statutes, 1982 Repl. Vol., is amended to read:

7 24-9.5-109. Limitations. (3) (d) The incumbent shall
8 file a complete and detailed request for reimbursement within
9 sixty days after the date of the recall election with the

1 auditor CONTROLLER of the state of Colorado who shall then
2 review the reimbursement request for appropriateness,
3 forwarding the request with his recommendations to the general
4 assembly at its next session.

5 SECTION 2. Effective date. This act shall take effect
6 July 1, 1985.

7 SECTION 3. Safety clause. The general assembly hereby
8 finds, determines, and declares that this act is necessary
9 for the immediate preservation of the public peace, health,
10 and safety.

Bill No. 6

The Committee recommends this bill because it gives notice to users of the statutes that there is a newly created judicial exception to the three-year statute of limitations for medical malpractice claims. In Austin v. Litvak M.D. and St. Anthony's Hospital, 682 P.2d 41 (Colo. 1984), the Colorado Supreme Court ruled that the statutory scheme allowing exceptions for leaving an unauthorized foreign object in the body and for knowing concealment of malpractice, but not for negligent misdiagnosis, is a denial of equal protection. This bill codifies that decision by adding negligent misdiagnosis as an exception to the three-year statute of limitations.

LDO NO. 85 0023/1

SENATE BILL NO.

Statutory Revision Committee
Committee Bill No. 6
BY SENATOR Wells

A BILL FOR AN ACT

1 CONCERNING THE ADDITION OF NEGLIGENT MISDIAGNOSIS AS AN
2 EXCEPTION TO THE LIMITATION THAT MEDICAL MALPRACTICE
3 CLAIMS MUST BE INSTITUTED NO MORE THAN THREE YEARS AFTER
4 THE ACT OR OMISSION WHICH GAVE RISE THERETO.

Bill Summary

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

Statutory Revision Committee. As a direct result of the Colorado supreme court's ruling in Austin v. Litvak, M.D. and St. Anthony's Hospital (case no. 82SA236, decided May 7, 1984) that the statutory scheme which allows exceptions for leaving an unauthorized foreign object in the body and for knowing concealment of malpractice, but not for negligent misdiagnosis, is a denial of equal protection and in order to give the public notice of a new exception to the general three-year statute of limitations for medical malpractice claims, adds the claim of negligent misdiagnosis as an exception.

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

6 SECTION 1. 13-80-105 (1) (a), Colorado Revised Statutes,
7 as amended, is amended to read:

8 13-80-105. Actions barred in two years. (1) (a) If the

1 act or omission which gave rise to the cause of action was
2 knowingly concealed by the person committing such act or
3 omission, or if such act or omission consisted of leaving an
4 unauthorized foreign object in the body of the patient, OR IF
5 SUCH ACT OR OMISSION CONSISTED OF NEGLIGENT MISDIAGNOSIS OF
6 THE PATIENT'S MEDICAL CONDITION, then such action may be
7 instituted within two years after the person bringing the
8 action discovered, or in the exercise of reasonable diligence
9 and concern should have discovered, the act or omission;

10 SECTION 2. Safety clause. The general assembly hereby
11 finds, determines, and declares that this act is necessary
12 for the immediate preservation of the public peace, health,
13 and safety.

Bill No. 7

The Committee was informed of several technical defects in the "Colorado Employment Security Act". This bill corrects a reference in the definition of "wages" in the Colorado statute to parallel the federal law upon which such definition was based. Clarifies that the tax on employers is computed only on the basis of "taxable wages" and not on the basis of all wages paid. This bill corrects confusion about whether the surcharge tax in section 8-76-102 (4), C.R.S., is only to be assessed in the 1983-84 calendar year. This bill clarifies that the surcharge tax is to be assessed annually.

LDO NO. 85 0035/1

HOUSE BILL NO.

Statutory Revision Committee
Committee Bill No. 7
BY REPRESENTATIVE Kopel

A BILL FOR AN ACT

- 1 CONCERNING TECHNICAL CORRECTIONS IN THE "COLORADO EMPLOYMENT
2 SECURITY ACT" TO 8-70-103 AND 8-76-102, COLORADO REVISED
3 STATUTES AS AMENDED.

Bill Summary

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

Statutory Revision Committee. Makes several technical corrections in the "Colorado Employment Security Act". Corrects a statutory reference in the definition of "wages" to conform the reference to parallel provisions in the federal law. Clarifies that the tax on employers is computed only on the basis of taxable wages, as defined in the act, and not on the basis of all wages paid. Clarifies that the surcharge tax for benefits paid and not chargeable to any active employer account is an ongoing tax and that the rate of tax is to be computed annually.

-
- 4 Be it enacted by the General Assembly of the State of Colorado:
5 SECTION 1. 8-70-103 (22) (a.5) (II), Colorado Revised
6 Statutes, as amended, is amended to read:
7 8-70-103. Definitions. (22) (a.5) (II) Any amount
8 taken into account as "wages" by reason of sub-subparagraph

1 (B) (C) of subparagraph (I) of this paragraph (a.5), and the
2 income attributable thereto, shall not thereafter be treated
3 as "wages" for the purposes of this subsection (22).

4 SECTION 2. 8-76-102 (1), (2), and (4), Colorado Revised
5 Statutes, as amended, are amended to read:

6 8-76-102. Rate of tax - surcharge for benefits not
7 effectively charged. (1) Each employer shall pay taxes equal
8 to two and seven-tenths percent of TAXABLE wages paid by the
9 employer during each calendar year with respect to employment
10 occurring after June 30, 1941, except as may be otherwise
11 prescribed in section 8-76-103. As used in this section,
12 "TAXABLE wages paid" shall include TAXABLE wages
13 constructively paid as well as TAXABLE wages actually paid.

14 (2) Each employing unit becoming an employer under the
15 new definition of employer contained in articles 70 to 82 of
16 this title who would not be an employer under the old
17 definition for employer shall be liable for tax only on
18 TAXABLE wages paid subsequent to June 30, 1941, with respect
19 to employment.

20 (4) Based on the amount of benefits paid and not
21 chargeable to any active employer account prior to EACH JULY
22 1, BEGINNING July 1, 1983, the division shall ANNUALLY
23 establish a tax rate, rounded to the nearest one-tenth of one
24 percent. The total amount of benefits not effectively charged
25 shall be divided by the total taxable payroll estimated to be
26 paid by all employers in the ensuing calendar year, and the

1 resulting percentage, rounded to the nearest one-tenth of one
2 percent, shall be the surcharge tax rate, which shall then be
3 added to the employer's standard or computed tax rate. This
4 tax rate added to the employer tax rate shall also be
5 identified separately on the employer tax rate notice as the
6 tax surcharge for benefits not effectively charged. The
7 combined rate shall be the employer's tax rate for the ensuing
8 calendar year. The division shall use the four quarters most
9 recently available for benefits not effectively charged prior
10 to the computation date used for determinations under section
11 8-76-103. Since total taxes are estimated and the tax rate
12 rounded, any amount for the benefits not effectively charged
13 and not fully recovered in one year shall be added to the
14 following calendar year's identified amount. Any amount
15 recovered over that amount shall be subtracted from the
16 following calendar year's identified amount. The surcharge
17 established by this subsection (4) shall not be assessed
18 against any employer whose benefit-charge account balance is
19 zero, and the estimated taxable payrolls of such employers
20 shall not be included in the calculation of the surcharge tax
21 rate.

22 SECTION 3. Safety clause. The general assembly hereby
23 finds, determines, and declares that this act is necessary
24 for the immediate preservation of the public peace, health,
25 and safety.

Bill No. 8

This Committee recommends this bill because it makes all the jurisdictional provisions relating to persons subject to the "Colorado Children's Code" consistent. The Committee was informed that jurisdiction of the juvenile court of Denver is set forth in title 13 and has not been consistently updated as changes have been made to the Children's Code in title 19. The term "juvenile court" is defined in title 19 to include the juvenile court of the city and county of Denver and juvenile divisions of all district courts. This bill conforms the jurisdiction in all juvenile courts by repealing and reenacting the jurisdiction section in title 13 and making a cross-reference in title 13 to the jurisdiction section in title 19.

LDO NO. 85 0072/1

HOUSE BILL NO.

Statutory Revision Committee
Committee Bill No. 8
BY REPRESENTATIVE Kopel

A BILL FOR AN ACT

1 CONCERNING CONFORMITY OF JURISDICTIONAL PROVISIONS RELATING TO
2 PERSONS SUBJECT TO THE "COLORADO CHILDREN'S CODE".

Bill Summary

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

Statutory Revision Committee. Conforms the jurisdiction of the juvenile court of Denver with the provisions relating to the jurisdiction of the juvenile divisions of all district courts by eliminating specific provisions concerning the jurisdiction of the juvenile court of Denver and substituting a cross-reference to the jurisdiction provisions established for juvenile courts in the "Colorado Children's Code".

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

4 SECTION 1. 13-8-103, Colorado Revised Statutes, as
5 amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

6 13-8-103. Jurisdiction. The jurisdiction of the
7 juvenile court of the city and county of Denver is as set
8 forth in section 19-1-104, C.R.S., for juvenile courts, as
9 defined in section 19-1-103 (18), C.R.S.

10 SECTION 2. Safety clause. The general assembly hereby

1. finds, determines, and declares that this act is necessary
- 2 for the immediate preservation of the public peace, health,
- 3 and safety.

Bill No. 9

The Committee recommends this bill to include county ordinance violations in statutes which allow the court to detain or take custody of juveniles who commit acts which would be felonies, misdemeanors, or municipal ordinance violations if committed by adults. This change conforms with H.B. 1233 in 1983 which amended a statute concerning juveniles who violate municipal ordinances to include county ordinances and also extended the jurisdiction of the juvenile court to adults who induce, aid, or encourage juveniles to violate county ordinances. This bill makes other conforming amendments relating to violations of county ordinances.

LDO NO. 85 0055/1

HOUSE BILL NO.

Statutory Revision Committee
Committee Bill No. 9
BY REPRESENTATIVE Mielke

A BILL FOR AN ACT

1 CONCERNING THE INCLUSION OF COUNTY ORDINANCES IN STATUTES
2 RELATING TO CHILDREN TO CONFORM TO THE ADDITION OF SUCH
3 ORDINANCES IN SIMILAR PROVISIONS OF THE "COLORADO
4 CHILDREN'S CODE".

Bill Summary

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

Statutory Revision Committee. Amends statutes concerning violations of municipal ordinances by juveniles to include violations of county ordinances. These changes are made to conform with H.B. 1233 in 1983 which amended a statute concerning juveniles who violate municipal ordinances to include county ordinances and also extended the jurisdiction of the juvenile court to adults who induce, aid, or encourage juveniles to violate county ordinances.

5 Be it enacted by the General Assembly of the State of Colorado:
6 SECTION 1. 19-1-103 (9) (a) (II), Colorado Revised
7 Statutes, 1978 Repl. Vol., is amended to read:
8 19-1-103. Definitions. (9) (a) (II) Any municipal OR
9 COUNTY ordinance except traffic ordinances, the penalty for

1 which may be a jail sentence; or

2 SECTION 2. 19-2-101 (1) (a), Colorado Revised Statutes,
3 1978 Repl. Vol., as amended, is amended to read:

4 19-2-101. Taking children into custody. (1) (a) When
5 there are reasonable grounds to believe that he has committed
6 an act which would be a felony, misdemeanor, or municipal OR
7 COUNTY ordinance violation if committed by an adult; except
8 that traffic violations shall be handled as otherwise provided
9 by law;

10 SECTION 3. 19-2-103 (6) (d), Colorado Revised Statutes,
11 1978 Repl. Vol., as amended, is amended to read:

12 19-2-103. Detention and shelter - hearing - time limits
13 - restriction. (6) (d) Any child arrested and detained for
14 an alleged violation of any article of title 42, C.R.S., or
15 for any alleged violation of a municipal OR COUNTY ordinance,
16 and not released on bond, shall be taken before a judge with
17 jurisdiction of such violation within forty-eight hours for
18 the fixing of bail and conditions of bond pursuant to
19 subparagraph (I) of paragraph (a) of subsection (3) of this
20 section. Such child shall not be detained in a jail, lockup,
21 or other place used for the confinement of adult offenders for
22 longer than seventy-two hours, after which the child may be
23 further detained only in a juvenile detention facility
24 operated by or under contract with the department of
25 institutions. In calculating time under this subsection (6),
26 Saturdays, Sundays, and court holidays shall be included.

1 SECTION 4. 19-3-102 (2), Colorado Revised Statutes, 1978
2 Repl. Vol., is amended to read:

3 19-3-102. Petition form and content - limitations on
4 claims in dependency or neglect actions. (2) The petition
5 shall set forth plainly the facts which bring the child within
6 the court's jurisdiction. If the petition alleges that the
7 child is delinquent, it shall cite the law or municipal OR
8 COUNTY ordinance which the child is alleged to have violated.
9 The petition shall also state the name, age, and residence of
10 the child and the names and residences of his parents,
11 guardian, or other legal custodian or of his nearest known
12 relative if no parent, guardian, or other legal custodian is
13 known.

14 SECTION 5. 19-3-119 (1) and (2), Colorado Revised
15 Statutes, 1978 Repl. Vol., are amended to read:

16 19-3-119. Adult cases - proceedings - penalty -
17 suspension. (1) Proceedings concerning any adult who is
18 alleged to have induced, aided, or encouraged a child to
19 violate any federal or state law, municipal OR COUNTY
20 ordinance the penalty for which may be a jail sentence, or
21 court order shall be conducted according to the Colorado rules
22 of criminal procedure; except that proceedings may be
23 commenced by complaint.

24 (2) When a complaint or information is filed with the
25 court charging an adult with inducing, aiding, or encouraging
26 a child to violate any federal or state law, municipal OR

1 COUNTY ordinance, or court order, the court may make a
2 preliminary investigation and may make such nonjudicial
3 adjustment without prosecution as may be practicable if the
4 person charged consents after having been fully informed of
5 his right to be represented by counsel and to have a trial by
6 jury should a trial be held on the complaint or information.

7 SECTION 6. 19-8-117 (1) (b), Colorado Revised Statutes,
8 1978 Repl. Vol., as amended, is amended to read:

9 19-8-117. Juvenile detention services and facilities to
10 be provided by department of institutions - education.

11 (1) (b) Detention facilities operated by or under contract
12 with the department of institutions shall receive and provide
13 care for any child arrested for or convicted of a violation of
14 any provision of articles 1 to 15 of title 33, C.R.S., or any
15 rule or regulation promulgated thereunder, or any article of
16 title 42, C.R.S., or any municipal OR COUNTY ordinance, and
17 for any child found in contempt of court in connection with a
18 violation or an alleged violation of any of those articles or
19 any municipal OR COUNTY ordinance.

20 SECTION 7. 13-8-103 (1) (d) (I), Colorado Revised
21 Statutes, is amended to read:

22 13-8-103. Jurisdiction. (1) (d) (I) Who induces, aids,
23 or encourages a child to violate any federal or state law or
24 municipal OR COUNTY ordinance; or

25 SECTION 8. Safety clause. The general assembly hereby
26 finds, determines, and declares that this act is necessary

1. for the immediate preservation of the public peace, health,
2. and safety.

Bill No. 10

The Committee was informed by Orlando Martinez, Division of Youth Services and Lynn Wiletsky, Division of Criminal Justice, that the Lookout Mountain School for boys and the Mount View girls' school are operated as coeducational facilities. This bill deletes the references to gender in the names of the schools to reflect that fact.

Statutory Revision Committee
Committee Bill No. 10
BY REPRESENTATIVE Mielke

A BILL FOR AN ACT

1 CONCERNING DELETION OF REFERENCES TO GENDER FOR CERTAIN
2 TRAINING SCHOOLS UNDER THE CONTROL OF THE DEPARTMENT OF
3 INSTITUTIONS.

Bill Summary

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

Statutory Revision Committee. Deletes references to gender in the titles of the training schools referred to in the statutes as the Lookout Mountain school for boys and the Mount View girls' school because such training schools are currently operated by the department of institutions as coeducational institutions.

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

5 SECTION 1. 16-19-133 (2), Colorado Revised Statutes,
6 1978 Repl. Vol., as amended, is amended to read:

7 16-19-133. Concealment of fugitives - penalty.

8 (2) Whoever willfully harbors or conceals any prisoner after
9 his escape from the custody of any state or local law
10 enforcement officer or from any penal or correctional

1 institution of this state, other than the Lookout Mountain
2 school for--boys or the Mount View girls¹ school, commits a
3 class 5 felony and shall be punished as provided in section
4 18-1-105, C.R.S. Whoever willfully harbors or conceals any
5 prisoner after his escape from the custody of the Lookout
6 Mountain school for--boys or the Mount View girls¹ school is
7 guilty of a misdemeanor.

8 SECTION 2. 19-3-113 (1) (a), Colorado Revised Statutes,
9 1978 Repl. Vol., as amended, is amended to read:

10 19-3-113. Delinquent child - disposition. (1) (a) The
11 court may make any disposition, or combination of dispositions
12 when appropriate, provided under section 19-3-112 (1) or (4)
13 or subsection (3) of this section; except that any delinquent
14 child committed to the department of institutions may be
15 placed in the Lookout Mountain school, for-boys; the Mount
16 View girls¹ school, or any other training school or any other
17 facility, or other disposition may be made, which the
18 department may determine as provided by law.

19 SECTION 3. 19-3-114 (2) (a), Colorado Revised Statutes,
20 1978 Repl. Vol., as amended, is amended to read:

21 19-3-114. Commitment to department of institutions.
22 (2) (a) Unless and until otherwise changed by the department
23 of institutions, the Lookout Mountain school for-boys and the
24 Mount View girls¹ school are designated as the receiving
25 centers for delinquent children committed to the department.

26 SECTION 4. 19-8-102 (1), Colorado Revised Statutes, 1978

1 Repl. Vol., as amended, is amended to read:

2 19-8-102. Receiving centers - designation. (1) Unless
3 otherwise changed by the department of institutions, the
4 Lookout Mountain school for--boys and the Mount View girls+
5 school are designated as the receiving centers for delinquent
6 children committed to the department under section 19-3-113.

7 SECTION 5. The introductory portion to 19-8-104 (5),
8 Colorado Revised Statutes, 1978 Repl. Vol., as amended, is
9 amended to read:

10 19-8-104. Children committed to the department -
11 transfers. (5) The executive director of the department of
12 institutions may transfer a child sixteen years of age or
13 older from the Lookout Mountain school for--boys to a regional
14 center only if the executive director finds:

15 SECTION 6. 19-8-106, Colorado Revised Statutes, 1978
16 Repl. Vol., is amended to read:

17 19-8-106. Lookout Mountain school. (1) There is hereby
18 established at Golden, Jefferson county, a training school
19 known as the Lookout Mountain school, for--boys; under the
20 supervision and control of the department of institutions.

21 (2) The school shall provide care, education, training,
22 and rehabilitation for boys CHILDREN twelve years of age or
23 over who have been committed to the custody of the department
24 under section 19-3-113, and as provided in section 19-8-104
25 (2).

26 SECTION 7. 19-8-107, Colorado Revised Statutes, 1978

1 Repl. Vol., is amended to read:

2 19-8-107. Mount View school. (1) There is hereby
3 established near Morrison, Jefferson county, a training school
4 known as the Mount View girls⁺ school under the supervision
5 and control of the department of institutions.

6 (2) The school shall provide care, education, training,
7 and rehabilitation for girls CHILDREN twelve years of age or
8 older who have been committed to the custody of the department
9 under section 19-3-113, and as provided in section 19-8-104
10 (2).

11 SECTION 8. 24-1-118 (3) (g) and (3) (h), Colorado
12 Revised Statutes, 1982 Repl. Vol., are amended to read:

13 24-1-118. Department of institutions - creation.
14 (3) (g) Lookout Mountain school, ~~for-boys~~, at Golden;
15 (h) Mount View girls⁺ school, at Morrison;

16 SECTION 9. 25-4-405 (1), Colorado Revised Statutes, 1982
17 Repl. Vol., is amended to read:

18 25-4-405. Examination of persons confined. (1) All
19 persons who are confined, detained, or imprisoned in any
20 state, county, or city hospital for the insane, any
21 institution for the mentally deficient, the Mount View girls⁺
22 school or Lookout Mountain school, ~~for-boys~~, any home for
23 dependent children, any reformatory or prison, or any private
24 or charitable institution where any person may be confined,
25 detained, or imprisoned by order of court in this state shall
26 be examined for and, if infected, treated for venereal

1 diseases by the health authorities having jurisdiction. The
2 managing authorities of any such institutions are directed to
3 make available to the health authorities such portion of
4 their respective institutions as may be necessary for a clinic
5 or hospital, wherein all persons who may be confined or
6 detained or imprisoned in any such institution and who are
7 infected with venereal diseases may be treated in a manner as
8 prescribed by the director of the agency within the department
9 of health responsible for control of venereal diseases.

10 SECTION 10. 27-1-104 (1) (f) and (1) (g), Colorado
11 Revised Statutes, 1982 Repl. Vol., are amended to read:

12 27-1-104. Institutions managed, supervised, and
13 controlled. (1) (f) Lookout Mountain school, ~~for--boys~~; at
14 Golden;

15 (g) Mount View ~~girls~~⁺ school, at Morrison;

16 SECTION 11. 27-2-107 (1), Colorado Revised Statutes,
17 1982 Repl. Vol., as amended, is amended to read:

18 27-2-107. Purchase of supplies by and from institutions.

19 (1) The following designated state institutions are within
20 the purview of this section: The correctional facilities at
21 Canon City, the correctional facilities at Buena Vista, the
22 Colorado state hospital, the Wheat Ridge regional center, the
23 Grand Junction regional center, the Pueblo regional center,
24 the Lookout Mountain school ~~for--boys~~ at Golden, the Mount View
25 ~~girls~~⁺ school at Morrison, the Colorado industries for the
26 blind, the Colorado general hospital, and the Colorado

1 psychiatric hospital.

2 SECTION 12. 27-15-105 (2), Colorado Revised Statutes,
3 1982 Repl. Vol., as amended, is amended to read:

4 27-15-105. Admissions to center - transfers - releases.

5 (2) Any person placed at the center may be transferred to the
6 Colorado state hospital, the Wheat Ridge regional center, the
7 Grand Junction regional center, the Pueblo regional center,
8 the Mount View girls' school, or the Lookout Mountain school
9 for-boys in accordance with law.

10 SECTION 13. Safety clause. The general assembly hereby
11 finds, determines, and declares that this act is necessary
12 for the immediate preservation of the public peace, health,
13 and safety.

Bill No. 11

The Committee was informed that the word "operator" was inadvertently left out in a statute that allows the attorney general to commence proceedings against reservoir operators as well as reservoir owners to secure compliance with directions of the state engineer. This bill corrects this omission.

LDO NO. 85 0126/1

SENATE BILL NO.

Statutory Revision Committee
Committee Bill No. 11
BY SENATOR Peterson

A BILL FOR AN ACT

1 CONCERNING JUDICIAL PROCEEDINGS COMMENCED AGAINST RESERVOIR
2 OPERATORS TO SECURE COMPLIANCE WITH THE DIRECTIONS OF THE
3 STATE ENGINEER.

Bill Summary

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

Statutory Revision Committee. Clarifies that the attorney general may commence proceedings against reservoir operators as well as reservoir owners to secure compliance with the directions of the state engineer.

4 Be it enacted by the General Assembly of the State of Colorado:
5 SECTION 1. 37-87-114 (2), Colorado Revised Statutes, as
6 amended, is amended to read:
7 37-87-114. Penalty - disposition of fines. (2) Upon
8 the complaint of the state engineer, the attorney general is
9 authorized to commence proceedings against any reservoir owner
10 OR OPERATOR for refusing, after notice in writing has been
11 given, to obey the directions of the state engineer as to the

1 construction or safe operation of any reservoir to secure
2 compliance with any such reasonable direction necessary for
3 public safety in the district court of the county wherein any
4 portion of such reservoir is located, pursuant to the Colorado
5 rules of civil procedure; except that, if it appears to the
6 court that the public safety is in jeopardy as the result of a
7 failure to obey the directions of the state engineer, the
8 court shall expedite the proceedings so that determinations
9 may be made with respect to the directions of the state
10 engineer commencing not later than twenty days from the
11 service of the complaint on the owner or operator of a
12 reservoir.

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

Bill No. 12

At the request of attorneys working on the supreme court rules relating to garnishment, the Committee recommends this bill to correct problems in the garnishment law enacted in 1984 in H.B. 1250. This bill removes an inconsistency in the time for filing the service of a notice of exemption by specifying that the writ shall be served upon the judgment debtor as soon as practicable following the service upon the garnishee. This bill clarifies that the clerk of the court is the party who takes the application for garnishment. The bill eliminates confusion related to differences in procedures in articles 54.5 and 55 of title 13 for claims that property is exempt, by excluding postjudgment garnishments under article 54.5 from the operation of procedures in article 55, which deals with writs of execution and writs of attachment.

LDO NO. 85 0139/1

HOUSE BILL NO.

Statutory Revision Committee
Committee Bill No. 12
BY REPRESENTATIVE Kope1

A BILL FOR AN ACT

1 CONCERNING TECHNICAL CHANGES RELATING TO GARNISHMENT
2 PROCEDURES.

Bill Summary

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

Statutory Revision Committee. Clarifies that a judgment creditor making an application for continuing garnishment shall make his application to the court clerk. Removes an inconsistency in the time requirement for service of a writ of garnishment upon the garnishee and upon the judgment debtor by specifying that the writ is served upon the judgment debtor as soon as practicable following the service upon the garnishee. To eliminate differences in procedures in two different articles for claims that property sought by a creditor is exempt, excludes postjudgment garnishments under article 54.5 of title 13 from the operation of procedures in article 55 of title 13 applying in cases of writs of execution and writs of attachment.

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

4 SECTION 1. 13-54.5-101 (7), Colorado Revised Statutes,
5 as amended, is amended to read:

6 13-54.5-101. Definitions. (7) "Notice of exemption and
7 pending levy" means the document required to be served on the

1 judgment debtor in any garnishment proceeding, except
2 continuing garnishment, ~~at---the---time---that~~ AS SOON AS
3 PRACTICABLE FOLLOWING THE SERVICE OF the writ of garnishment
4 ~~is---served~~ on the garnishee. A "notice of exemption and
5 pending levy" includes a statement that the judgment creditor
6 intends to satisfy the judgment against the judgment debtor
7 out of the judgment debtor's personal property held by a third
8 party and that the judgment debtor has the right to claim
9 certain property as exempt.

10 SECTION 2. 13-54.5-102 (1), Colorado Revised Statutes,
11 as amended, is amended to read:

12 13-54.5-102. Continuing garnishment - creation of lien.
13 (1) In addition to garnishment proceedings otherwise
14 available under the laws of this state in any case in which a
15 money judgment is obtained in a court of competent
16 jurisdiction, the judgment creditor or its assignees shall be
17 entitled, on notice to the judgment debtor required by section
18 13-54.5-105, to apply to the CLERK OF SUCH court for
19 garnishment against any garnishee who is an employer of the
20 judgment debtor. To the extent that the earnings are not
21 exempt from garnishment, such garnishment shall be a lien and
22 continuing levy upon the earnings due or to become due to the
23 judgment debtor at the time the writ of garnishment is served
24 on the garnishee.

25 SECTION 3. 13-55-101, Colorado Revised Statutes, is
26 amended to read:

1 13-55-101. Defendant to file written claim. EXCEPT IN
2 CASES OF GARNISHMENT PURSUANT TO ARTICLE 54.5 OF THIS TITLE,
3 in all cases where a sheriff or other officer by virtue of a
4 writ of execution, writ of attachment, or other order of court
5 issued by a court of record or clerk thereof levies upon,
6 seizes, or takes into his possession any property of the
7 defendant debtor, which said property, or part thereof, the
8 defendant claims as exempt under the provisions of the
9 statutes of the state, said defendant debtor, within ten days
10 after being served with notice of such levy or seizure, shall
11 make and file with the clerk of the court of record out of
12 which such writ of execution, writ of attachment, or other
13 order was issued a written claim of such exemption setting
14 forth with reasonable detail the description of the property
15 so claimed to be exempt together with the grounds of such
16 claim of exemption.

17 SECTION 4. Applicability. This act shall apply to all
18 garnishments commenced on or after passage of this act under
19 article 54.5 of title 13, Colorado Revised Statutes.

20 SECTION 5. Safety clause. The general assembly hereby
21 finds, determines, and declares that this act is necessary
22 for the immediate preservation of the public peace, health,
23 and safety.



The State of Colorado

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Revisor of Statutes

REPORT TO STATUTORY REVISION COMMITTEE

FROM: Subcommittee on Notice by Publication

Subj: Defective Statutes/Inadequate Notice of
Proceedings which Adversely Affect the
Liberty or Property Interests of Any Party.

Date: March 12, 1984

1. Background. Professor Clifford Calhoun of the University of Colorado Law School brought to our attention an important United States Supreme Court case. It held that a state's tax sale procedure which only provided notice by publication and posting did not give reasonable notice to a mortgagee of real property. "When the mortgagee is identified in a mortgage that is publicly recorded, constructive notice by publication must be supplemented by notice mailed to the mortgagor's (sic mortgagee's) last known available address, or by personal service. But unless the mortgagee is not reasonably identifiable, constructive notice alone does not satisfy the mandate of Mullane." In extremely broad language, the Court stated: "Notice by mail or other means as certain to ensure actual notice is a minimum constitutional precondition to a proceeding which will adversely affect the liberty or property interests of any party, whether unlettered or well versed in commercial practice, if its name and address are reasonably ascertainable."

Given that language, it appeared that Colorado statutes regarding such matters as tax sales might well be defective.

2. Subcommittee Meetings of Dec. 28, 1983; Jan. 13, Jan. 27, Feb. 10, and Feb. 24, 1984.

December 28 first meeting. The subcommittee met with Professor Calhoun to discuss the issues raised by the United States Supreme Court case of Mennonite Board of Missions v. Adams, 51 L.W. 4872 (S. Ct. 1983). The following four areas for consideration were identified, each to be the subject of a future meeting:

- (a) ad valorem real property tax sales;
- (b) public trustee foreclosure sales;
- (c) execution and seizure of real property;
- (d) execution and seizure of personal property.

A list of possible witnesses was compiled for staff to contact.

Professor Calhoun suggested that the public trustee statute could be remedied by adding diligent search language, similar to that of C.R.C.P. 120, such as "reasonable notice to parties of record." He also suggested that the execution statutes could be amended to place the burden on the person seeking execution to provide addresses to the sheriff. He offered to provide the names of 14 lower court cases which cite the Mennonite case.

Staff was directed to provide copies of the 58 statutes with sentences containing both the words "notice" and "publish" to members for screening prior to the next meeting.

January 13: ad valorem real property tax sales. The subcommittee met with George Hilgendorf (Boulder County Treasurer), Charley Rhyne (Mortgage Bankers Association), Greg Cairns (Bankers Association), John Ferris (Savings and Loan League), and Andy Klatskin (Colorado Bar Association). The general consensus was that a tax lien is created in Colorado substantially as it is in Indiana and there is a real problem with the Colorado statutes in light of Mennonite. Apparently, very few individuals are affected by this procedure, as less than one-half of one percent of tax liens ever go to treasurer's deed.

The list of cases citing Mennonite had been delivered by Professor Calhoun. Subcommittee members reported that approximately 25 percent or about 20 of the statutes screened might be affected by this case.

January 27: public trustee foreclosure sales. The subcommittee met with the three lenders' representatives from the previous meeting and with Dean Nakayama, Administrator, Denver District Court. Again, the consensus was that there was a problem with the statutes. Since there are many public trustee foreclosures every year and more people would be adversely affected than in the tax lien situation, a delayed bill in 1984 might be appropriate. Most foreclosing financial institutions and diligent law firms presently give notice which would be sufficient under Mennonite; however, they are not required to do so by the statutes.

The lenders' representatives suggested that there be added to the operative notice statutes words to the effect that notice be sent to those persons as required by law or as requested by the beneficiary (mortgagee). After due consideration, it is recommended that the applicable statutes be amended so that notice is mailed to all persons known or believed by the foreclosing party to have an interest in the property if their names and addresses are reasonably ascertainable. A rough draft of the amendment accompanies this report.

February 10: execution and seizure of real property. The subcommittee met with Jeff Witt (Bankers Association), Rod Bottoms (County Sheriffs of Colorado), and Ed Zimny (State Court Administrator's Office). The consensus was similar to that concerning tax liens: few people are affected, but the statutes probably need revision after thorough study.

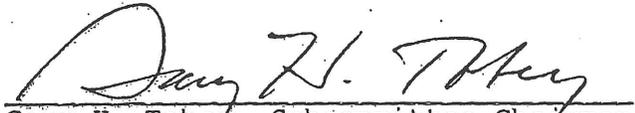
February 24: seizure of personal property. The subcommittee met with Marty Stuber (UCCC Administrator), George Hilgendorf (Boulder County Treasurer), Bill Buckner (Department of Revenue), Manuel Ramos (Denver Legal Aide Society), Dean Nakayama (Court Clerks), and Rod Bottoms (Sheriffs' Association). The consensus of the subcommittee was that there was a grave and wide-spread problem with the applicable statutes. In no instance under the statutes or customary practice in the state is any notice by mail or other means as certain to ensure actual notice given to any mortgagee of personal property. In some 146 sales by the Department of Revenue, during the last year, the original manner of giving notice was by posting only. Recently, the Department has begun giving notice by certified mail to the owners. Mr. Ramos pointed out that under the landlord lien act, C.R.S. § 38-20-101, the landlord may seize property without any notice. Under the normal execution and seizure of personal property arising out of a judgment, no notice whatsoever is given to any mortgagee of the property. The problem is undoubtedly substantial but so many statutes and so many procedures may be affected that it is unlikely that a "quick fix" would be advisable.

3. Conclusion.

- 3(a) ad valorem real property tax sales. Relatively few treasurer's deeds. Refer to an interim committee.
- 3(b) public trustee sales. Full committee review and evaluation with possible recommendation of a delayed bill in 1984 to cure a big problem.
- 3(c) execution and seizure of real property. Refer to an interim committee. Relatively few of these.

3(d) execution and seizure of personal property. Refer to an interim committee. Big problem that will require extensive statutory amendment and will have substantial fiscal impact on the state.

Respectfully submitted,



Gary H. Tobez, Subcommittee Chairman

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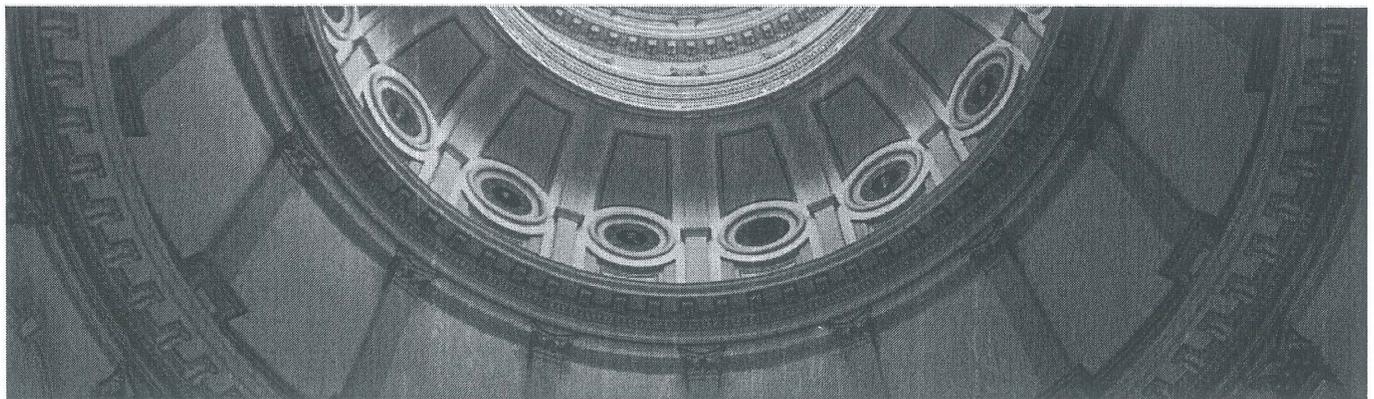
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Can't You Fix That in the Revisor's Bill?

• olls 📅 November 21, 2013

by Jennifer Gilroy, Revisor of Statutes

It seems that most people who are involved in the legislative process in any way whatsoever have heard about the revisor's bill — a bill viewed as a legislative means of “fixing” problems in the statutes or in legislation. But very few people really seem to have a clear understanding of what the annual revisor's bill can and, more importantly, cannot include. To some, it seems to be a mystical piece of legislation over which a solitary individual (the Revisor of Statutes) randomly (or so it seems) grants (or not) inclusion of a provision they need “fixed”. To others it's simply a boring, technical bill that shows up on the calendar late in the legislative session and is only important to legislative drafters. Well, it's really both of these things and neither of these things...at the same time. The following are a few facts about the often misunderstood revisor's bill.

1. The revisor's bill is statutorily authorized. The actual source and authority for the revisor's bill is statutory. Section 2-5-104, Colorado Revised Statutes, permits the Revisor of Statutes, under the supervision and direction of the Committee on Legal Services, to prepare a bill each year amending or repealing “obsolete, inoperative, imperfect, obscure, or [here's my personal favorite] doubtful laws as...necessary to improve the clarity and certainty of the statutes.” That sounds like fairly broad authority. In fact, it would seem that a person could make a valid argument to include almost anything in the revisor's bill based on these nebulous and admittedly subjective criteria — and they do!

However, the Office of Legislative Legal Services is very circumspect in its approach to the revisor's bill. The Revisor of Statutes is decidedly cautious when exercising her statutorily delegated discretion regarding the contents of the revisor's bill. She is careful to

avoid usurping what is properly the legislature's prerogative and scope of authority. In an effort to attain clarity and certainty of the statutes while respecting the legislature's purview, the Revisor carefully scrutinizes every revisor's bill submission, whether from legislative staff or someone outside the legislative arena.

2. The revisor's bill is an annual legislative committee bill. The Committee on Legal Services recommends and sponsors the revisor's bill each year as legislation intended to make non-substantive, corrective changes to various statutes. However, unlike other bills, this bill is generated by legislative staff. As the result of their meticulous annual review of the Colorado Revised Statutes, legislative editors with the Office of Legislative Legal Services identify the great majority of the provisions included in the revisor's bill each year. The Revisor also receives submissions from legislators, constituents, agency personnel, practitioners, and others who have also found errors or mistakes warranting correction through the bill.

3. The Revisor's criteria for inclusion in the revisor's bill. But not every submission makes it into the revisor's bill. To achieve an appropriate balance between the statutory purposes of the revisor's bill and the legislature's authority, the Revisor of Statutes endeavors to ensure that the changes made by the revisor's bill are non-substantive and consistent with the legislative intent evidenced in prior enactments of the General Assembly. To achieve this balance and to ensure that the provisions in the revisor's bill are purely non-substantive, the Revisor of Statutes uses three criteria to serve as guides. A provision may be included in the revisor's bill if:

1. The statutory provision is (or will be, when codified) broken — in other words, there is a mistake or an error;
2. The mistake or error is apparent on its face or is traceable through the legislative process (such as an amendment that was improperly enrolled); and
3. The “fix” would not be controversial.

For purposes of transparency and to ensure the non-substantive character of every entry in the bill, the revisor's bill is the only bill that is introduced and passed with an attached appendix that explains the reason for each change made in the bill.

4. The revisor's bill is introduced late in the session. While the revisor's bill is introduced late in the legislative session so that it can be used to make corrections in bills from that very session if necessary, the drafting of the bill is generally finalized by March and the bill is prepared for introduction in early April. If an individual would like to request that something be added to the revisor's bill, he or she is encouraged to submit the request to the Revisor of Statutes no later than the end of February, earlier if possible. Once the bill is introduced, an individual may contact the prime sponsors of the bill to amend it in committee or on second reading to include additional provisions or to remove a provision the individual believes should not be included. Typically, the bill sponsors employ the same criteria for post-introduction additions to the bill as the Revisor did in drafting the bill to preserve the bill's non-substantive and non-controversial character.

If you would like additional information about the revisor's bill, please contact Jennifer Gilroy at the Office of Legislative Legal Services.

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