



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 20-1073

FISCAL NOTE

Drafting Number: LLS 20-0634
Prime Sponsors: Rep. Kennedy

Date: January 22, 2020
Bill Status: House SVMA
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Bill Topic: COUNTY COMMISSIONER DISTRICTS GERRYMANDERING

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill requires the creation of independent county commissioner redistricting commissions in any county where commissioners are elected by just a portion of the county as a whole. The bill increases local government expenditures to redistrict decennially.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill requires the creation of county commissioner districts in each county that has commissioners that are elected only by a given county district, and not elected by voters of the whole county. The county must divide itself into commissioner districts according to a final plan prepared by an independent redistricting commission and reviewed and approved by a panel of district judges. Redistricting occurs the year following the year of the federal decennial census.

In the affected counties, the bill requires the creation of a seven-member redistricting commission and establishes rules for its composition and the eligibility of applicants. The county must provide non-partisan staff to create the application process and to verify eligibility of applicants. At the beginning of the redistricting year, the chief judge of the county's judicial district must designate a panel of three retired district judges to review applications and select members of the county redistricting commission. The bill includes evaluative criteria for the retired judges to use in the selection process.

County redistricting commissions must adopt rules to govern their administration and operation, including provisions for public hearings, maintenance of records, adoption of a meeting schedule, and the process for adopting and recommending a final redistricting plan. Redistricting commissions are required to use specified evaluative criteria in the process of creating the plan, such as preserving whole communities of interest and preserving whole political subdivisions. Once a final plan is adopted, it must be submitted to a judicial panel comprised of three sitting district court judges appointed by the chief judge of the district. The judicial panel must review the redistricting plan and determine if it complies with the required criteria.

The board of county commissioners must make non-partisan staff available to the redistricting commission, and appropriate sufficient funds to pay the expenses of the commission and staff, including legal services. Redistricting commissioners may also be reimbursed for expenses.

Background

The next federal decennial census will be conducted in April 2020. Only three counties are currently affected by the bill: Arapahoe, El Paso, and Weld counties. Redistricting in these counties and associated expenses are required in 2021, the year following the census.

State Revenue and Expenditure

In any year that affected counties are required to redistrict, the Secretary of State and the Judicial Department may see a minimal increase in workload and revenue.

The bill may minimally increase fine revenue to the Department of State Cash Fund for fines collected from lobbyists that fail to disclose required information. The Judicial Department is required to provide judicial review of proposed county redistricting plans. This will increase workload for the branch every 10 years. Given the volume of plans to review, these expenses are not anticipated to require additional appropriations.

Local Government

Affected counties are required to establish a county redistricting commission, interview and appoint qualifying commission members, provide nonpartisan support staff for developing and revising redistricting plans, and conduct public hearings before submitting a final plan for judicial review. Impacted counties will have increased legal, administrative, and operating costs in any year in which redistricting occurs. Although each county's expenses will vary, costs are estimated to be between \$75,000 and \$135,000 per county. Cost drivers include:

Personal services. County redistricting will require the compensation of nonpartisan staff in FY 2021-22. Personal service expenditures can assume a 6 month process to develop plans. This analysis also assumes that only nonpartisan staff are compensated, and that redistricting commissioners receive no compensation but are entitled to per diem and travel expenses. Although the bill allows the board of county commissioners to prescribe compensation for the three retired judges used to select the commissioners, this analysis assumes only travel and per diem for those individuals.

Computer equipment and software. Redistricting requires computers that use GIS and mapping software, as well as data and printing services.

Legal services. Professional and legal consultation will be required for rulemaking, open records requests, and for redistricting plans.

Travel and per diem. The county redistricting commission must hold public meetings and will incur expenses for travel reimbursement and per diem for staff and commission members. Additionally, the retired judges comprising the selection panel are also reimbursed for expenses and travel.

Effective Date

The bill takes effect August 5, 2020, if the General Assembly adjourns on May 6, 2020, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties Law	County Clerks Local Affairs	Information Technology Secretary of State	Judicial
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