

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0028.01 Megan Waples x4348

SENATE BILL 22-042

SENATE SPONSORSHIP

Coram,

HOUSE SPONSORSHIP

Esgar and Will,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO THE MEMBERSHIP OF THE BOARD OF**
102 **COMMISSIONERS OF THE COLORADO STATE FAIR AUTHORITY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill restructures the board of commissioners of the Colorado state fair authority. Under current law, the appointed members of the board include 2 residents of the county in which the Colorado state fair and industrial exposition is held, one resident of each of the 7 congressional districts, and one person from the state at large. Under the bill, the board still includes 2 residents of the county in which the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
February 23, 2022

Colorado state fair and industrial exposition is held, but the remaining 8 appointed members include 2 residents from each of the 4 agricultural districts of the state. The terms of office of the 8 appointed members currently representing the congressional districts and the state at large are terminated on October 31, 2022. The governor is required to appoint 8 new members for terms beginning on November 1, 2022, representing the 4 agricultural districts of the state. The terms of the new members are staggered so that no more than 3 members' terms expire in one year. After the initial staggering, members are appointed for terms of 4 years. To the extent possible, the governor is required to reappoint existing members to represent the agricultural districts in which the existing members reside.

One member appointed from each agricultural district must be involved in agricultural production. Of the 10 appointed members, at least 2 must reside west of the continental divide, with one of the 2 residing north of interstate 70 and the other residing south of interstate 70. One member must reside east of both U.S. highway 287 and U.S. highway 87. In addition, at least 3 members must be affiliated with each of the major political parties for at least one year prior to appointment, and at least 3 members must be unaffiliated for at least one year prior to appointment.

If a person appointed on a temporary basis while the general assembly is not in session is not confirmed by the senate during the next regular session, the person's term ends and the person is not eligible for reappointment.

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

2 **SECTION 1.** In Colorado Revised Statutes, 35-65-401, **amend**
3 (2), (3), (4), (5), and (8.5) as follows:

4 **35-65-401. Colorado state fair authority - creation - board -**
5 **powers and duties - repeal.** (2) (a) ~~On June 30, 1997, the existing board~~
6 ~~of commissioners of the Colorado state fair authority is abolished, and the~~
7 ~~terms of the members of the board then serving are terminated.~~

8 (b) There is hereby created the board of commissioners of the
9 Colorado state fair authority, which shall have eleven HAS THIRTEEN
10 members, ten TWELVE of whom shall be appointed by the governor with
11 the consent of the senate and one who shall be IS the commissioner of

1 agriculture or ~~his or her~~ THE COMMISSIONER'S designee. ~~At no time shall~~
2 BEFORE OCTOBER 31, 2022, NO more than six members of the board MAY
3 be affiliated with the same political party as the governor. ~~Within thirty~~
4 ~~days after June 30, 1997, the governor shall appoint the initial members~~
5 ~~of the board. The governor may appoint, as a member of the board, any~~
6 ~~person who was a member of the board prior to its termination.~~

7 (c) (I) ON OCTOBER 31, 2022, THE GOVERNOR SHALL APPOINT TWO
8 BOARD MEMBERS FROM THE STATE AT LARGE IN ACCORDANCE WITH
9 SUBSECTION (3)(b) OF THIS SECTION. MEMBERS APPOINTED BEFORE THE
10 EFFECTIVE DATE OF THIS SUBSECTION (2)(c)(I) TO REPRESENT THE
11 CONGRESSIONAL DISTRICTS AND THE STATE AT LARGE MAY HOLD OFFICE
12 FOR THE REMAINDER OF THE TERM TO WHICH EACH MEMBER WAS
13 APPOINTED. WHEN A MEMBER'S TERM EXPIRES OR A VACANCY OTHERWISE
14 OCCURS, THE GOVERNOR SHALL APPOINT A NEW MEMBER IN ACCORDANCE
15 WITH THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.

16 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE DECEMBER
17 31, 2026.

18 (3) ~~Of the ten appointed~~ THE GOVERNOR SHALL APPOINT THE
19 FOLLOWING TWELVE members of the board:

20 (a) Two ~~shall be~~ residents of the county in which the Colorado
21 state fair and industrial exposition is held; and

22 (b) TWO MEMBERS FROM THE STATE AT LARGE; AND

23 (c) Of the remaining eight members, at least one shall be a
24 resident of each of the congressional TWO RESIDENTS FROM EACH OF THE
25 FOUR AGRICULTURAL districts of the state, ~~and at least two shall be~~
26 ~~residents of the western slope of the state~~ AS DEFINED IN SECTION
27 35-1-105 (1)(c). == ==

1 (4) ~~Of the members first appointed to the board, two members~~
2 ~~representing congressional districts shall be appointed for terms expiring~~
3 ~~November 1, 1998; two members representing congressional districts~~
4 ~~shall be appointed for terms expiring November 1, 1999; one member~~
5 ~~representing a congressional district, one member representing the county~~
6 ~~in which the Colorado state fair and industrial exposition is held, and one~~
7 ~~at-large member shall be appointed for terms expiring November 1, 2000;~~
8 ~~one member representing a congressional district, one at-large member,~~
9 ~~and one member representing the county in which the Colorado state fair~~
10 ~~and industrial exposition is held shall be appointed for terms expiring~~
11 November 1, 2011. Thereafter, Members of the board shall be appointed
12 for terms of four years; EXCEPT THAT THE TERMS SHALL BE STAGGERED SO
13 THAT NO MORE THAN THREE MEMBERS' TERMS EXPIRE IN THE SAME YEAR.
14 Appointments made to the board when the senate is not in session shall
15 be ARE temporary appointments, and the appointees shall serve on a
16 temporary basis until the senate is in session and is able to confirm such
17 appointments. IF THE SENATE DOES NOT CONFIRM A TEMPORARY
18 APPOINTMENT DURING THE NEXT REGULAR SESSION, THE TEMPORARY
19 APPOINTEE'S TERM ENDS AND THE PERSON SHALL NOT BE REAPPOINTED AS
20 A TEMPORARY APPOINTEE DURING THE SUBSEQUENT LEGISLATIVE
21 INTERIM. Each member shall hold office until the member's successor is
22 appointed and qualified.

23 (5) (a) Of the ~~ten~~ TWELVE appointed members of the board:
24 (I) ~~one shall be a certified public accountant, one shall have~~
25 expertise in finance through current management-level experience in
26 banking, and one shall have substantial experience in agriculture or in the
27 activities of 4-H clubs FOUR MUST BE INVOLVED IN THE AGRICULTURAL

1 INDUSTRY;

2 (II) AT LEAST THREE MUST BE AFFILIATED WITH EACH MAJOR
3 POLITICAL PARTY FOR AT LEAST ONE YEAR PRIOR TO APPOINTMENT, AS
4 SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM; AND

5 (III) AT LEAST THREE MUST BE UNAFFILIATED FOR AT LEAST ONE
6 YEAR PRIOR TO APPOINTMENT, AS SHOWN IN THE STATEWIDE VOTER
7 REGISTRATION SYSTEM.

8 (b) IN MAKING APPOINTMENTS, THE GOVERNOR SHALL ATTEMPT TO
9 ENSURE THAT THE BOARD REPRESENTS THE GEOGRAPHIC DIVERSITY OF
10 THE STATE.

11 (8.5) All ~~eleven~~ THIRTEEN members of the board, including the
12 commissioner of agriculture or his or her designee, shall be voting
13 members of the board. The members of the board shall elect a chair, a
14 vice-chair, and a secretary from among the membership of the board.
15 Board action shall require the affirmative vote of a majority of a quorum
16 of the board.

17 **SECTION 2. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2022 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.