

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

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.

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), and (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~~ HAS eleven members, ten
10 of whom shall be appointed by the governor with the consent of the
11 senate and one who ~~shall be~~ IS the commissioner of agriculture or ~~his or~~

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

7 (c) (I) ON OCTOBER 31, 2022, THE TERMS OF THE EIGHT APPOINTED
8 MEMBERS THEN SERVING TO REPRESENT THE CONGRESSIONAL DISTRICTS
9 AND THE STATE AT LARGE ARE TERMINATED. ON OR BEFORE NOVEMBER
10 1, 2022, THE GOVERNOR SHALL APPOINT EIGHT NEW MEMBERS OF THE
11 BOARD IN ACCORDANCE WITH SUBSECTION (3)(b) OF THIS SECTION FOR
12 TERMS TO COMMENCE ON NOVEMBER 1, 2022. IN MAKING THE
13 APPOINTMENTS, THE GOVERNOR SHALL ENSURE THAT THE TOTAL
14 APPOINTED MEMBERSHIP OF THE BOARD MEETS THE REQUIREMENTS OF
15 SUBSECTION (5) OF THIS SECTION. TO THE EXTENT POSSIBLE, THE
16 GOVERNOR SHALL REAPPOINT MEMBERS WHOSE TERMS ARE TERMINATED
17 BY THIS SUBSECTION (2)(c)(I) TO REPRESENT THE AGRICULTURAL
18 DISTRICTS IN WHICH THEY RESIDE AND SHALL ATTEMPT TO PRESERVE THE
19 LENGTH OF A REAPPOINTED MEMBER'S EXISTING TERM. THE NEWLY
20 APPOINTED MEMBERS SERVE TERMS OF UP TO FOUR YEARS; EXCEPT THAT
21 THE GOVERNOR SHALL APPOINT MEMBERS TO SHORTER TERMS AS
22 NECESSARY TO ENSURE THAT NO MORE THAN THREE APPOINTED MEMBERS'
23 TERMS EXPIRE IN THE SAME YEAR. SUCCESSORS ARE APPOINTED FOR
24 TERMS OF FOUR YEARS IN ACCORDANCE WITH SUBSECTION (4) OF THIS
25 SECTION.

26 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE DECEMBER
27 31, 2026.

1 (3) ~~Of the ten appointed~~ THE GOVERNOR SHALL APPOINT THE
2 FOLLOWING TEN members of the board:

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

5 (b) ~~Of the remaining eight members, at least one shall be a~~
6 ~~resident of each of the congressional~~ TWO RESIDENTS FROM EACH OF THE
7 FOUR AGRICULTURAL districts of the state, ~~and at least two shall be~~
8 ~~residents of the western slope of the state~~ AS DEFINED IN SECTION
9 35-1-105 (1)(c). AT LEAST ONE RESIDENT APPOINTED FROM EACH
10 AGRICULTURAL DISTRICT MUST BE INVOLVED IN AGRICULTURAL
11 PRODUCTION.

12 (4) ~~Of the members first appointed to the board, two members~~
13 ~~representing congressional districts shall be appointed for terms expiring~~
14 ~~November 1, 1998; two members representing congressional districts~~
15 ~~shall be appointed for terms expiring November 1, 1999; one member~~
16 ~~representing a congressional district, one member representing the county~~
17 ~~in which the Colorado state fair and industrial exposition is held, and one~~
18 ~~at-large member shall be appointed for terms expiring November 1, 2000;~~
19 ~~one member representing a congressional district, one at-large member,~~
20 ~~and one member representing the county in which the Colorado state fair~~
21 ~~and industrial exposition is held shall be appointed for terms expiring~~
22 ~~November 1, 2001. Thereafter,~~ EXCEPT AS OTHERWISE PROVIDED IN
23 SUBSECTION (2)(c)(I) OF THIS SECTION, members of the board shall be
24 appointed for terms of four years; EXCEPT THAT THE TERMS SHALL BE
25 STAGGERED SO THAT NO MORE THAN THREE MEMBERS' TERMS EXPIRE IN
26 THE SAME YEAR. Appointments made to the board when the senate is not
27 in session ~~shall be~~ ARE temporary appointments, and the appointees shall

1 serve on a temporary basis until the senate is in session and is able to
2 confirm such appointments. IF THE SENATE DOES NOT CONFIRM A
3 TEMPORARY APPOINTMENT DURING THE NEXT REGULAR SESSION, THE
4 TEMPORARY APPOINTEE'S TERM ENDS AND THE PERSON IS NOT ELIGIBLE
5 FOR REAPPOINTMENT. Each member shall hold office until the member's
6 successor is appointed and qualified.

7 (5) Of the ten appointed members of the board:

8 (a) ONE MUST RESIDE WEST OF THE CONTINENTAL DIVIDE AND
9 NORTH OF INTERSTATE 70;

10 (b) ONE MUST RESIDE WEST OF THE CONTINENTAL DIVIDE AND
11 SOUTH OF INTERSTATE 70;

12 (c) ONE MUST RESIDE EAST OF BOTH UNITED STATES HIGHWAY 287
13 AND UNITED STATES HIGHWAY 87;

14 (d) AT LEAST THREE MUST BE AFFILIATED WITH EACH MAJOR
15 POLITICAL PARTY FOR AT LEAST ONE YEAR PRIOR TO APPOINTMENT, AS
16 SHOWN IN THE STATEWIDE VOTER REGISTRATION SYSTEM;

17 (e) AT LEAST THREE MUST BE UNAFFILIATED FOR AT LEAST ONE
18 YEAR PRIOR TO APPOINTMENT, AS SHOWN IN THE STATEWIDE VOTER
19 REGISTRATION SYSTEM;

20 (f) ~~One shall be a certified public accountant,~~ One shall MUST
21 have expertise in finance through current management-level experience
22 in banking; and

23 (g) One shall MUST have substantial experience in agriculture or
24 in the activities of 4-H clubs.

25 **SECTION 2. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.