

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 22-0028.01 Megan Waples x4348

**SENATE BILL 22-042**

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**A BILL FOR AN ACT**

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

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**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

SENATE  
3rd Reading Unamended  
February 24, 2022

SENATE  
Amended 2nd Reading  
February 23, 2022

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.

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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). ==

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

23 (5) (a) Of the ~~ten~~ TWELVE appointed members of the board:

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.