

2023-2024 #258 - Final

*Be it Enacted by the People of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 25-7-104, **amend** (1), (2), and (3); and **add** (4) and (5) as follows:

**25-7-104. Independent air quality control commission created.**

(1) There is created in the department of public health and environment the INDEPENDENT air quality control commission, which consists of nine citizens of this state appointed by the governor with the consent OF TWO-THIRDS of the senate. A MEMBER'S TERM MAY NOT BEGIN UNTIL THE SENATE CONSENTS TO THE APPOINTMENT. The INDEPENDENT air quality control commission is a **type 1** entity, as defined in section 24-1-105.

(2)(a) Appointments to the commission shall be made so as to include persons with appropriate scientific, technical, industrial, labor, agricultural, and legal training or with experience on the commission; although no specific number of its members shall be required to be so trained or experienced, three members shall have appropriate private sector, technical, or industrial employment experience. ~~No more than five commissioners shall be members of one political party.~~

(b) THE INDEPENDENT COMMISSION SHALL BE COMPOSED OF REGISTERED ELECTORS THAT MUST EITHER HAVE BEEN UNAFFILIATED WITH A MAJOR POLITICAL PARTY OR HAVE BEEN AFFILIATED WITH THE SAME POLITICAL PARTY FOR A CONSECUTIVE PERIOD OF NO LESS THAN FIVE YEARS AT THE TIME OF APPOINTMENT. APPOINTMENTS MUST INCLUDE THREE MEMBERS APPOINTED FROM THE STATE'S LARGEST POLITICAL PARTY, THREE MEMBERS FROM THE STATE'S SECOND LARGEST POLITICAL PARTY, AND THREE MEMBERS NOT AFFILIATED WITH THE STATE'S LARGEST OR SECOND LARGEST MAJOR POLITICAL PARTIES. FOR PURPOSES OF THIS SECTION, THE STATE'S TWO LARGEST POLITICAL PARTIES MUST BE DETERMINED BY THE NUMBER OF REGISTERED ELECTORS AFFILIATED WITH EACH POLITICAL PARTY IN THE STATE ACCORDING TO THE COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST MAINTAINED BY THE SECRETARY OF STATE FOR THE EARLIEST DAY IN JANUARY OF THE YEAR OF APPOINTMENT FOR WHICH SUCH DATA IS PUBLISHED.

(c) NO PERSON MAY BE APPOINTED TO SERVE ON THE COMMISSION OR SERVE AS STAFF OR LEGAL COUNSEL TO THE COMMISSION IF THE PERSON HAS A CONFLICT OF INTEREST. EXAMPLES OF CONFLICTS OF INTEREST INCLUDE BEING REGISTERED AS A LOBBYIST AT THE LOCAL OR STATE LEVELS WITHIN THE PRIOR THREE YEARS, SERVING IN THE GENERAL ASSEMBLY WITHIN THE PRIOR THREE YEARS, SERVING AS A PAID POLITICAL PARTY EMPLOYEE WITHIN THE PRIOR THREE YEARS, OR SERVING IN AN OFFICIAL CAPACITY WITH AN ENTITY THAT EDUCATES OR ADVOCATES FOR OR AGAINST ENVIRONMENTAL ISSUES WITHIN THE PRIOR THREE YEARS. THIS SUBSECTION (2)(c) SHALL BE CONSTRUED REASONABLY WITH THE OBJECTIVE OF DISQUALIFYING FROM THE INDEPENDENT COMMISSION ANY PERSON WHO MIGHT HAVE AN IMMEDIATE CONFLICT OF INTEREST OR WHO MAY NOT BE ABLE TO MAKE BALANCED DECISIONS ABOUT AIR QUALITY STANDARDS IN COLORADO.

(3) Terms of members shall be for three years, and said terms shall commence on February 1 of the year of appointment. Any vacancy occurring during the term of office of any member shall be filled by appointment ~~by the governor~~ AS SPECIFIED BY THIS SECTION of a qualified person for the unexpired portion of the regular term.

(4) UPON ESTABLISHMENT OF THE INDEPENDENT AIR QUALITY CONTROL COMMISSION, ALL NINE OF THE NEW INDEPENDENT AIR QUALITY CONTROL COMMISSIONERS SHALL BE APPOINTED PURSUANT TO THIS SECTION.

(5) THE REVISOR OF STATUTES IS AUTHORIZED TO CHANGE ALL REFERENCES TO THE “AIR QUALITY CONTROL COMMISSION” EVERYWHERE A REFERENCE IS CONTAINED IN THE COLORADO REVISED STATUTES TO THE “INDEPENDENT AIR QUALITY CONTROL COMMISSION”.

**SECTION 2.** Effective Date.

(1) This measure takes effect upon the proclamation of the governor, as is provided pursuant to article V, section 1(4)(a) of the Colorado Constitution.