

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0506.01 Jed Franklin x5484

HOUSE BILL 23-1065

HOUSE SPONSORSHIP

Story and Parenti,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SCOPE OF THE INDEPENDENT ETHICS COMMISSION'S**
102 **JURISDICTION OVER ETHICS COMPLAINTS AGAINST LOCAL**
103 **GOVERNMENT OFFICIALS AND EMPLOYEES, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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>.)

Under current law, the independent ethics commission created in article XXIX of the state constitution does not have jurisdiction over officials or employees of special districts or school districts. The bill

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

gives the independent ethics commission jurisdiction to hear complaints, issue findings, assess penalties, and issue advisory opinions on ethics issues concerning a local government official or local government employee. "Local government" is defined to include a county, municipality, special district, or school district. Existing ethical standards apply to a local government official and a local government employee. The bill applies those standards to a local government official or local government employee through the independent ethics commission.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-18.5-101, add
3 (4.5) as follows:

4 **24-18.5-101. Independent ethics commission - establishment**
5 **- membership - subpoena power - definitions.** (4.5) (a) AS USED IN

6 THIS SUBSECTION (4.5), UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (I) "ANY OTHER STANDARDS OF CONDUCT AND REPORTING
8 REQUIREMENTS AS PROVIDED BY LAW" HAS THE SAME MEANING AS USED
9 IN SECTION 5 OF ARTICLE XXIX OF THE STATE CONSTITUTION.

10 (II) "SCHOOL DISTRICT" HAS THE SAME MEANING AS SET FORTH IN
11 SECTION 22-30-103 (13).

12 (III) "SCHOOL DISTRICT EMPLOYEE" MEANS A TEMPORARY OR
13 PERMANENT EMPLOYEE OF ANY SCHOOL DISTRICT WHO IS APPOINTED OR
14 HIRED BY, DIRECTLY REPORTS TO, AND IS SUBJECT TO THE DIRECTION OF
15 THE SCHOOL DISTRICT'S BOARD.

16 (IV) "SCHOOL DISTRICT OFFICIAL" MEANS A MEMBER OF A SCHOOL
17 DISTRICT'S BOARD.

18 (V) "SPECIAL DISTRICT" MEANS ANY QUASI-MUNICIPAL
19 CORPORATION AND POLITICAL SUBDIVISION ORGANIZED OR ACTING
20 PURSUANT TO THE PROVISIONS OF TITLE 32 AND DOES NOT INCLUDE ANY
21 ENTITY ORGANIZED OR ACTING PURSUANT TO THE PROVISIONS OF ARTICLE

1 8 OF TITLE 29, ARTICLE 20 OF TITLE 30, ARTICLE 25 OF TITLE 31, OR
2 ARTICLES 41 TO 50 OF TITLE 37.

3 (VI) "SPECIAL DISTRICT EMPLOYEE" MEANS A TEMPORARY OR
4 PERMANENT EMPLOYEE OF ANY SPECIAL DISTRICT WHO IS APPOINTED OR
5 HIRED BY, DIRECTLY REPORTS TO, AND IS SUBJECT TO THE DIRECTION OF
6 THE SPECIAL DISTRICT'S BOARD.

7 (VII) "SPECIAL DISTRICT OFFICIAL" MEANS A MEMBER OF A
8 SPECIAL DISTRICT'S BOARD.

9 (b) SPECIAL DISTRICT OFFICIALS, SPECIAL DISTRICT EMPLOYEES,
10 SCHOOL DISTRICT OFFICIALS, AND SCHOOL DISTRICT EMPLOYEES ARE
11 SUBJECT TO THE PROVISIONS OF ARTICLE XXIX OF THE STATE
12 CONSTITUTION AND TO ANY OTHER STANDARDS OF CONDUCT AND
13 REPORTING REQUIREMENTS AS PROVIDED BY LAW.

14 (c) IN ADDITION TO ANY OF ITS OTHER POWERS AND DUTIES AS
15 PROVIDED BY LAW, THE COMMISSION MAY:

16 (I) HEAR COMPLAINTS, ISSUE FINDINGS, AND ASSESS PENALTIES ON
17 ETHICS ISSUES ARISING UNDER ARTICLE XXIX OF THE STATE
18 CONSTITUTION AND OTHER STANDARDS OF CONDUCT AND REPORTING
19 REQUIREMENTS AS PROVIDED BY LAW INVOLVING SPECIAL DISTRICT
20 OFFICIALS, SPECIAL DISTRICT EMPLOYEES, SCHOOL DISTRICT OFFICIALS, OR
21 SCHOOL DISTRICT EMPLOYEES; AND

22 (II) ISSUE ADVISORY OPINIONS AND LETTER RULINGS ON ETHICS
23 ISSUES ARISING UNDER ARTICLE XXIX OF THE STATE CONSTITUTION AND
24 OTHER STANDARDS OF CONDUCT AND REPORTING REQUIREMENTS AS
25 PROVIDED BY LAW INVOLVING SPECIAL DISTRICT OFFICIALS, SPECIAL
26 DISTRICT EMPLOYEES, SCHOOL DISTRICT OFFICIALS, OR SCHOOL DISTRICT
27 EMPLOYEES.

1 **SECTION 2. Appropriation.** (1) For the 2023-24 state fiscal
2 year, \$87,740 is appropriated to the judicial department for use by the
3 independent ethics commission. This appropriation is from the general
4 fund and is based on an assumption that the commission will require an
5 additional 0.4 FTE. To implement this act, the commission may use this
6 appropriation for program costs.

7 (2) For the 2023-24 state fiscal year, \$45,468 is appropriated to
8 the department of law. This appropriation is from reappropriated funds
9 received from the judicial department under subsection (1) of this section
10 and is based on an assumption that the department of law will require an
11 additional 0.2 FTE. To implement this act, the department of law may use
12 this appropriation to provide legal services for the judicial department.

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2024 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.