

**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.**

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 gives the independent ethics commission jurisdiction to hear complaints, issue findings, assess penalties, and issue advisory opinions on ethics

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.*

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 (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(h), and (4.5) as follows:

4 **24-18.5-101. Independent ethics commission - establishment**
5 **- membership - subpoena power - definitions.** (1) As used in this
6 article, unless the context otherwise requires:

7 (c) "COVERED INDIVIDUAL" MEANS A LOCAL GOVERNMENT
8 OFFICIAL OR LOCAL GOVERNMENT EMPLOYEE.

9 (d) "LOCAL GOVERNMENT" MEANS A SPECIAL DISTRICT OR SCHOOL
10 DISTRICT.

11 (e) "LOCAL GOVERNMENT EMPLOYEE" MEANS ANY TEMPORARY
12 OR PERMANENT EMPLOYEE OF ANY LOCAL GOVERNMENT WHO IS HIRED BY,
13 DIRECTLY REPORTS TO, AND IS SUBJECT TO THE DIRECTION OF A LOCAL
14 GOVERNMENT'S BOARD, COMMISSION, OR OTHER GOVERNING BODY.

15 (f) "LOCAL GOVERNMENT OFFICIAL" MEANS AN INDIVIDUAL
16 ELECTED OR APPOINTED TO A LOCAL GOVERNMENT'S BOARD OR
17 COMMISSION OR OTHER MEMBER OF A GOVERNING BODY OF A LOCAL
18 GOVERNMENT.

19 (g) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
20 AND EXISTING PURSUANT TO ARTICLE 30 OF TITLE 22.

21 (h) "SPECIAL DISTRICT" MEANS ANY QUASI-MUNICIPAL
22 CORPORATION AND POLITICAL SUBDIVISION ORGANIZED OR ACTING

1 PURSUANT TO THE PROVISIONS OF TITLE 32, AND DOES NOT INCLUDE ANY
2 ENTITY ORGANIZED AND ACTING PURSUANT TO THE PROVISIONS OF
3 ARTICLE 8 OF TITLE 29, ARTICLE 20 OF TITLE 30, ARTICLE 25 OF TITLE 31,
4 OR ARTICLES 41 TO 50 OF TITLE 37.

5 (4.5) (a) "OTHER STANDARDS OF CONDUCT AND REPORTING
6 REQUIREMENTS AS PROVIDED BY LAW", AS THAT PHRASE IS USED IN
7 THIS ARTICLE 18.5, MEANS THE RULES OF CONDUCT AND ETHICAL
8 PRINCIPLES APPLICABLE TO LOCAL GOVERNMENT OFFICIALS AND LOCAL
9 GOVERNMENT EMPLOYEES, PURSUANT TO PART 1 OF ARTICLE 18 OF THIS
10 TITLE 24, AND ETHICAL STANDARDS OF CONDUCT RELATING TO ACTIVITIES
11 THAT COULD ALLOW COVERED INDIVIDUALS TO IMPROPERLY BENEFIT
12 FINANCIALLY FROM THEIR PUBLIC EMPLOYMENT.

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

15 (I) HEAR COMPLAINTS, ISSUE FINDINGS, AND ASSESS PENALTIES ON
16 ETHICS ISSUES ARISING UNDER ARTICLE XXIX OF THE STATE
17 CONSTITUTION AND OTHER STANDARDS OF CONDUCT AND REPORTING
18 REQUIREMENTS AS PROVIDED BY LAW INVOLVING A COVERED INDIVIDUAL;
19 AND

20 (II) ISSUE ADVISORY OPINIONS AND LETTER RULINGS ON ETHICS
21 ISSUES ARISING UNDER ARTICLE XXIX OF THE STATE CONSTITUTION AND
22 OTHER STANDARDS OF CONDUCT AND REPORTING REQUIREMENTS AS
23 PROVIDED BY LAW INVOLVING A COVERED INDIVIDUAL.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.