

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 14, 2018
Date

Committee on State, Veterans, & Military Affairs.

After consideration on the merits, the Committee recommends the following:

HB18-1047 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 1-45-103, **amend**
3 (10); and **add** (6)(d) and (6)(e) as follows:

4 **1-45-103. Definitions - repeal.** (6) (d) "CONTRIBUTION" DOES
5 NOT INCLUDE THE PAYMENT OF LEGAL FEES TO ADVISE A CANDIDATE ON
6 COMPLIANCE WITH CAMPAIGN LAWS OR REGULATIONS OR TO REPRESENT
7 A CANDIDATE OR CANDIDATE COMMITTEE IN ANY ACTION IN WHICH THE
8 CANDIDATE OR COMMITTEE HAS BEEN NAMED AS A DEFENDANT. SUCH
9 LEGAL SERVICES ARE NOT UNDERTAKEN "FOR THE BENEFIT OF ANY
10 CANDIDATE COMMITTEE" OR "FOR THE PURPOSE OF PROMOTING THE
11 CANDIDATE'S NOMINATION, RETENTION, RECALL, OR ELECTION" AS THOSE
12 PHRASES ARE USED IN SECTION 2 (5)(a)(II) AND (5)(a)(IV) OF ARTICLE
13 XXVIII OF THE STATE CONSTITUTION.

14 (e) "CONTRIBUTION" DOES NOT INCLUDE AN INTERVENTION BY THE
15 SECRETARY OF STATE, AS AUTHORIZED BY SECTION 1-45-111.5 (1.5)(g),
16 IN ANY ACTION BROUGHT TO ENFORCE THE PROVISIONS OF ARTICLE
17 XXVIII OF THE STATE CONSTITUTION OR THIS ARTICLE 45.

18 (10) (a) "Expenditure" ~~shall have~~ HAS the same meaning as set
19 forth in section 2 (8) of article XXVIII of the state constitution.

20 (b) "EXPENDITURE" DOES NOT INCLUDE LEGAL SERVICES PAID TO
21 DEFEND A CANDIDATE OR CANDIDATE COMMITTEE AGAINST ANY ACTION
22 BROUGHT TO ENFORCE THE PROVISIONS OF ARTICLE XXVIII OF THE STATE
23 CONSTITUTION OR THIS ARTICLE 45."

1 Renumber succeeding sections accordingly.

2 Page 4, line 11, strike "(7)(a)(I)" and substitute "(7)(a)(I); and **add**
3 (1)(a)(V)".

4 Page 4, after line 25 insert:

5 "(V) ANY DISBURSEMENT NOT OTHERWISE DEFINED AS AN
6 EXPENDITURE MAY BE REPORTED TO THE APPROPRIATE OFFICER."

7 Page 9, strike line 6 and substitute "(1.5)(a) and (2); and **add** (1.5)(g) as
8 follows:".

9 Page 9, after line 22 insert:

10 "(g) THE SECRETARY OF STATE HAS, AS A MATTER OF RIGHT, THE
11 RIGHT TO INTERVENE IN ANY ACTION PENDING BEFORE THE OFFICE OF
12 ADMINISTRATIVE COURTS OR THE COURT OF APPEALS THAT IS BROUGHT TO
13 ENFORCE THE PROVISIONS OF ARTICLE XXVIII OF THE STATE
14 CONSTITUTION OR THIS ARTICLE."

15 Page 10, line 9, after "considered" insert "AND ISSUED WRITTEN FINDINGS
16 REGARDING".

17 Page 10, line 14, after "JUDGMENT." insert "PROMPTLY UPON THE
18 CONVERSION OF THE AWARD OF ATTORNEY FEES AND COSTS INTO A
19 DISTRICT COURT JUDGMENT, THE CLERK OF THE DISTRICT COURT SHALL
20 MAIL NOTICE OF THE FILING OF THE JUDGMENT TO THE JUDGMENT DEBTOR
21 AT THE ADDRESS GIVEN AND SHALL MAKE A NOTE OF THE MAILING IN THE
22 DOCKET. THE NOTICE MUST INCLUDE THE NAME AND POST-OFFICE
23 ADDRESS OF THE JUDGMENT CREDITOR AND THE JUDGMENT CREDITOR'S
24 LAWYER, IF ANY, IN THIS STATE. IN ADDITION, THE JUDGMENT CREDITOR
25 MAY MAIL A NOTICE OF THE FILING OF THE JUDGMENT TO THE JUDGMENT
26 DEBTOR AND MAY FILE PROOF OF MAILING WITH THE CLERK. LACK OF
27 MAILING NOTICE OF FILING BY THE CLERK SHALL NOT AFFECT THE
28 ENFORCEMENT PROCEEDINGS IF PROOF OF MAILING BY THE JUDGMENT
29 CREDITOR HAS BEEN FILED."

30 Page 12, strike lines 23 through 27 and substitute:

1 **"SECTION 10. Safety clause.** The general assembly hereby
2 finds, determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety."

4 Page 13, strike lines 1 through 5.

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