

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0514.01 Bob Lackner x4350

HOUSE BILL 13-1099

HOUSE SPONSORSHIP

Wright, Everett, Priola, Landgraf, Nordberg, Scott

SENATE SPONSORSHIP

(None),

House Committees
State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE APPLICATION OF THE PUBLIC OFFICIAL DISCLOSURE**
102 **LAW TO CERTAIN APPOINTED PUBLIC OFFICIALS.**

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://www.leg.state.co.us/billsummaries>.)

The bill subjects to the financial disclosure and gift and honoraria disclosure requirements of the state's public official disclosure law:

- ! An individual serving in a temporary or permanent capacity as the head of a principal department of the executive branch of state government or of a state agency; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

! An individual serving in a temporary or permanent capacity as the manager, executive, or administrator, as applicable, of a city or county, or an individual serving in a temporary or permanent capacity as the head of a department of a city or county.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-6-202, **add** (1) (i),
3 (1) (j), and (8) as follows:

4 **24-6-202. Disclosure - contents - filing - false or incomplete**
5 **filing - penalty - definitions.** (1) Except as otherwise provided in
6 subsection (1.7) of this section, not later than the January 10 following his
7 or her election, reelection, appointment, or retention in office, written
8 disclosure, in such form as the secretary of state shall prescribe, stating
9 the interests named in subsection (2) of this section shall be made to and
10 filed with the secretary of state of Colorado by:

11 (i) AN INDIVIDUAL SERVING IN A TEMPORARY OR PERMANENT
12 CAPACITY AS THE HEAD OF A PRINCIPAL DEPARTMENT OF THE EXECUTIVE
13 BRANCH OF STATE GOVERNMENT OR OF A STATE AGENCY;

14 (j) AN INDIVIDUAL SERVING IN A TEMPORARY OR PERMANENT
15 CAPACITY AS THE MANAGER, EXECUTIVE, OR ADMINISTRATOR, AS
16 APPLICABLE, OF A LOCAL GOVERNMENT, OR AN INDIVIDUAL SERVING IN A
17 TEMPORARY OR PERMANENT CAPACITY AS THE HEAD OF A DEPARTMENT
18 OF A LOCAL GOVERNMENT.

19 (8) FOR PURPOSES OF THIS SECTION:

20 (a) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE OR
21 STATUTORY CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND
22 COUNTY.

23 (b) "STATE AGENCY" HAS THE SAME MEANING AS SET FORTH IN

1 SECTION 24-18-102 (9).

2 **SECTION 2.** In Colorado Revised Statutes, 24-6-203, **amend** (2),
3 (3) (f), (3.5), (3.7), (4) (d), (4) (f), and (5); and **add** (1) (d), (1) (e), and (1)
4 (f) as follows:

5 **24-6-203. Reporting by incumbents and elected candidates -**
6 **gifts, honoraria, and other benefits - prohibition on monetary gifts -**
7 **penalty - definitions.** (1) (d) AS USED IN THIS SECTION, "APPOINTED
8 OFFICIAL" MEANS:

9 (I) AN INDIVIDUAL SERVING IN A TEMPORARY OR PERMANENT
10 CAPACITY AS THE HEAD OF A PRINCIPAL DEPARTMENT OF THE EXECUTIVE
11 BRANCH OF STATE GOVERNMENT OR OF A STATE AGENCY; OR

12 (II) AN INDIVIDUAL SERVING IN A TEMPORARY OR PERMANENT
13 CAPACITY AS THE MANAGER, EXECUTIVE, OR ADMINISTRATOR, AS
14 APPLICABLE, OF A LOCAL GOVERNMENT, OR AN INDIVIDUAL SERVING IN A
15 TEMPORARY OR PERMANENT CAPACITY AS THE HEAD OF A DEPARTMENT
16 OF A LOCAL GOVERNMENT.

17 (e) AS USED IN THIS SECTION, "LOCAL GOVERNMENT" MEANS A
18 COUNTY, HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CHARTER
19 CITY, OR CITY AND COUNTY.

20 (f) AS USED IN THIS SECTION, "STATE AGENCY" HAS THE SAME
21 MEANING AS SET FORTH IN SECTION 24-18-102 (9).

22 (2) Every incumbent in or candidate elected to public office AND
23 EVERY APPOINTED OFFICIAL who receives from any other person any item
24 described in subsection (3) of this section in connection with the
25 incumbent's, ~~or~~ elected candidate's, OR APPOINTED OFFICIAL'S public
26 service shall file with the appropriate officer, on or before January 15,
27 April 15, July 15, and October 15 of each year, a report covering the

1 period since the last report. The requirement of this subsection (2)
2 pertaining to the report due January 15 shall extend to an incumbent
3 leaving public office between October 15 and January 15, who shall file
4 with the appropriate officer by January 15 a report that covers any items
5 received during the period since the last report. Such report shall be on
6 forms prescribed by the secretary of state and shall contain, at a
7 minimum, the name of the person from whom the item was received and
8 the amount or value and the date of receipt. The secretary of state shall
9 furnish such forms to municipal clerks, ~~to~~ county clerk and recorders, ~~and~~
10 ~~to~~ incumbents, ~~and~~ elected candidates for state offices, APPOINTED
11 OFFICIALS, and district offices of districts greater than a county free of
12 charge for use by incumbents, ~~and~~ elected candidates, AND APPOINTED
13 OFFICIALS required to file such forms. If any incumbent in or candidate
14 elected to public office OR APPOINTED OFFICIAL does not receive any such
15 item, he or she shall not be required to file such report.

16 (3) The reports required by subsection (2) of this section shall
17 include the following:

18 (f) Payment of or reimbursement for actual and necessary
19 expenditures for travel and lodging for attendance at a convention,
20 fact-finding mission or trip, or other meeting that the incumbent or
21 elected candidate who has been sworn into public office OR APPOINTED
22 OFFICIAL is permitted to accept or receive in accordance with the
23 provisions of section 3 of article XXIX of the state constitution, unless
24 the payment of or reimbursement for such expenditures is made from
25 public funds of a state or local government in the case of an incumbent,
26 ~~or~~ elected candidate, OR APPOINTED OFFICIAL subject to the provisions of
27 said article or from the funds of any association of public officials or

1 public entities whose membership includes the incumbent's, ~~or~~ elected
2 candidate's, OR APPOINTED OFFICIAL'S office or the governmental entity
3 in which such office is held;

4 (3.5) (a) Each incumbent in or candidate elected to covered state
5 office OR APPOINTED OFFICIAL is prohibited from knowingly receiving or
6 accepting from any other person, in connection with the public service of
7 the incumbent or elected candidate:

8 (I) A gift of any money, including but not limited to a loan,
9 pledge, or advance of money, a guarantee of a loan of money, or any
10 monetary payment given, directly or indirectly, for the purpose of
11 defraying any expenses related to the official duties undertaken by the
12 incumbent, ~~or~~ elected candidate, OR APPOINTED OFFICIAL; or

13 (II) An in-kind gift.

14 (b) Nothing in paragraph (a) of this subsection (3.5) shall be
15 construed to prohibit an incumbent, ~~or~~ elected candidate, OR APPOINTED
16 OFFICIAL from receiving a salary or other compensation paid to the
17 incumbent, ~~or~~ elected candidate, OR APPOINTED OFFICIAL in connection
18 with the performance of his or her official duties, including, without
19 limitation, payment for a speech, appearance, or publication or payment
20 of or reimbursement for actual and necessary expenditures for travel and
21 lodging to the extent the incumbent or elected candidate who has been
22 sworn into covered state office OR APPOINTED OFFICIAL is permitted to
23 accept or receive such items in accordance with the provisions of section
24 3 of article XXIX of the state constitution.

25 (c) For purposes of this subsection (3.5), an "in-kind gift" means
26 any gift of equipment, goods, supplies, property, services, or anything
27 else, the value of which exceeds fifty dollars in the aggregate in any one

1 calendar year, given, directly or indirectly, to an incumbent in or
2 candidate elected to covered state office OR APPOINTED OFFICIAL for the
3 purpose of defraying any expenses related to the official duties
4 undertaken by the incumbent, ~~or~~ elected candidate, OR APPOINTED
5 OFFICIAL.

6 (3.7) Notwithstanding any other provision of this section, no
7 incumbent in or candidate elected to covered state office OR APPOINTED
8 OFFICIAL shall accept a gift of any money from any person who is a
9 professional or volunteer lobbyist or from a corporation or labor
10 organization.

11 (4) The reports required by subsection (2) of this section need not
12 include the following:

13 (d) Payment of or reimbursement for actual and necessary
14 expenditures for travel and lodging for attendance at a convention,
15 fact-finding mission or trip, or other meeting that the incumbent, ~~or~~
16 elected candidate, OR APPOINTED OFFICIAL is permitted to accept or
17 receive in accordance with the provisions of section 3 of article XXIX of
18 the state constitution, if the payment of or reimbursement for such
19 expenditures is made from public funds of a state or local government in
20 the case of an incumbent or elected candidate OR APPOINTED OFFICIAL
21 subject to the provisions of said article or from the funds of any
22 association of public officials or public entities whose membership
23 includes the incumbent's, ~~or~~ elected candidate's, OR APPOINTED OFFICIAL'S
24 office or the governmental entity in which such office is held;

25 (f) Except as otherwise described in this subsection (4), any other
26 gift or thing of value an incumbent or elected candidate who has been
27 sworn into public office OR APPOINTED OFFICIAL is permitted to solicit,

1 accept, or receive in accordance with the provisions of section 3 of article
2 XXIX of the state constitution.

3 (5) Any person who provides an incumbent, ~~or~~ elected candidate,
4 OR APPOINTED OFFICIAL with any item required to be reported by the
5 incumbent, ~~or~~ elected candidate, OR APPOINTED OFFICIAL pursuant to this
6 section shall, at the time the item is provided, furnish the recipient with
7 a written statement of the dollar value of the item.

8 **SECTION 3. Effective date.** This act takes effect July 1, 2013.

9 **SECTION 4. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.