HB12-1070

Colorado Legislative Council Staff Fiscal Note

STATE FISCAL IMPACT

Drafting Number:	LLS 12-0259	**Date:**	January 31, 2012
Prime Sponsor(s):	Rep. Peniston	**Bill Status:**	House SVMA
		Fiscal Analyst:	Kirk Mlinek (303-866-3521)

TITLE: CONCERNING THE MODIFICATION OF STATUTORY PROVISIONS GOVERNING THE ETHICAL CONDUCT OF PERSONS INVOLVED IN GOVERNMENT FOR THE PURPOSE OF HARMONIZING SUCH PROVISIONS WITH SECTION 3 (5) OF ARTICLE XXIX OF THE STATE CONSTITUTION.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures	Minimal; see State Expenditures section.	
FTE Position Change		
Effective Date: August 7, 2012, if the General Assembly adjourns on May 9, 2012, as scheduled, and no referendum petition is filed.		
Appropriation Summary for FY 2012-2013: None required.		
Local Government Impact: None.		

Summary of Legislation

The bill modifies current law concerning the reporting of gifts and honoraria, lobbyist disclosure, the statutory rules of conduct for governmental officials and employees, and campaign contributions to members of the general assembly and the governor during regular legislative sessions. The bill harmonizes these provisions with the requirements of Article XXIX of the state constitution, commonly referred to as Amendment 41.

Section 1 of the bill:

- expands the definition of the term "public office;"
- strikes the term, "statewide elected office" in favor of the term "covered state office;"
- requires an incumbent leaving office between October and January to file, by January 15, a report that covers any items received during the period since the last report;
- extends reporting requirements to a candidate elected to public office who is not an incumbent and who has not yet been sworn into such office and applies the $53 gift limit to this person;
- clarifies the circumstances under which reimbursement may be claimed for travel and lodging; and
- sets the gift limit at $53 and ties the annual inflation adjustment of the limit to Article XXIX.

Sections 2 and 3 of the bill concern lobbyist disclosure statements.

Section 4 of the bill concerns the statutory rules of conduct for all public officers, members of the general assembly, local government officials, and employees, clarifying what are not gifts of substantial value and in what circumstances travel reimbursement may be claimed.

Section 5 of the bill concerns the reporting requirements for meals provided to persons who have been elected to the General Assembly but who have not yet been sworn in.

Background

In part, Article XXIX of the state constitution (commonly referred to as "Amendment 41"), establishes a gift ban that prohibits public officers, members of the general assembly, local government officials, and government employees (covered individuals) from soliciting, accepting, or receiving any gift or other thing of value worth more than $53 in any calendar year, without providing lawful consideration. This prohibition not only applies to gifts or things of value given directly to the covered individual, but also to the individual's spouse or dependent child. The gift ban further prohibits these covered individuals from accepting or receiving any money, forbearance, or forgiveness of indebtedness in any amount from any person without lawful consideration. There are eight specific exceptions to these gift bans.

Article XXIX also expressly prohibits a professional lobbyist, personally or on behalf of any other person or entity, from knowingly offering, giving, or arranging to give to covered individuals, or to the covered individual's immediate family members, any gift or thing of value or any meal, beverage, or other consumable time.

Article XXIX establishes an independent ethics commission to enforce these ethics provisions and other ethics laws.

State Expenditures

Several departments will experience increased costs as a result of the need to modify forms, instructions, and training materials. These costs will be negligible and will be absorbed within existing appropriations. No appropriation is required to implement the bill.

Departments Contacted

All