

1 *Be it Enacted by the People of the State of Colorado:*

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3 **SECTION 1.** Section 2 of Article XXIX of the Colorado Constitution is amended BY
4 THE ADDITION OF NEW SUBSECTIONS (3.5) and (4.5) to read:

5
6 (3.5) "OFFICIAL ACT" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-18-
7 107 (7), C.R.S., OR ANY SUCCESSOR PROVISION.

8
9 (4.5) "PRIVATE GAIN" OR "PERSONAL FINANCIAL GAIN" MEANS ANY MONEY,
10 FORBEARANCE, FORGIVENESS OF INDEBTEDNESS, GIFT, OR OTHER THING OF VALUE GIVEN OR
11 OFFERED BY A PERSON SEEKING TO INFLUENCE AN OFFICIAL ACT THAT IS PERFORMED IN THE
12 COURSE AND SCOPE OF THE PUBLIC DUTIES OF A PUBLIC OFFICER, MEMBER OF THE GENERAL
13 ASSEMBLY, LOCAL GOVERNMENT OFFICIAL, OR GOVERNMENT EMPLOYEE.

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15 **SECTION 2.** Section 3 of Article XXIX of the Colorado Constitution is amended BY
16 THE ADDITION OF A NEW SUBSECTION (3.5) to read:

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18 (3.5) THE PROHIBITIONS IN SUBSECTIONS (1) AND (2) OF THIS SECTION DO NOT APPLY TO
19 ANY PUBLIC OFFICER, MEMBER OF THE GENERAL ASSEMBLY, LOCAL GOVERNMENT OFFICIAL, OR
20 GOVERNMENT EMPLOYEE WHO SOLICITS, ACCEPTS, OR RECEIVES A GIFT, THING OF VALUE, MONEY,
21 FORBEARANCE, OR FORGIVENESS OF INDEBTEDNESS THAT DOES NOT REFLECT A BREACH OF THE
22 PUBLIC TRUST FOR PRIVATE GAIN, AS SET FORTH IN SECTIONS 1 AND 6 OF THIS ARTICLE.

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24 **SECTION 3.** Section 5 of Article XXIX of the Colorado Constitution is amended BY
25 THE ADDITION OF NEW SUBSECTIONS (2.5), (3.5), (3.7), (4.5), and (5.5) to read:

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27 (2.5) NOTWITHSTANDING ANY PROVISION OF LAW, IMPLEMENTATION OF THE
28 INDEPENDENT ETHICS COMMISSION SHALL ADHERE TO THE FOLLOWING REQUIREMENTS. THE
29 COMMISSION SHALL BE ESTABLISHED IN THE OFFICE OF ADMINISTRATIVE COURTS IN THE
30 DEPARTMENT OF PERSONNEL, OR ANY SUCCESSOR OFFICE, CREATED IN SECTION 24-30-1001,
31 C.R.S., OR ANY SUCCESSOR PROVISION. FOR INDIVIDUALS APPOINTED AFTER JANUARY 1, 2008,
32 THE APPOINTMENT OF A COMMISSION MEMBER BY THE SENATE SHALL BE EFFECTIVE UPON THE
33 APPROVAL OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE, AND THE APPOINTMENT OF A
34 COMMISSION MEMBER BY THE HOUSE OF REPRESENTATIVES SHALL BE EFFECTIVE UPON THE
35 APPROVAL OF A MAJORITY OF THE MEMBERS ELECTED TO THE HOUSE. MEMBERS MAY BE BUT ARE
36 NOT REQUIRED TO BE AFFILIATED WITH A MAJOR POLITICAL PARTY, AND THE HOUSE AND SENATE
37 APPOINTEES ARE NOT REQUIRED TO BE MEMBERS OF DIFFERENT POLITICAL PARTIES. FURTHER, THE
38 COMMISSION MAY APPOINT ANY QUALIFYING INDIVIDUAL TO BE THE MEMBER WHO IS A LOCAL
39 GOVERNMENT OFFICIAL OR LOCAL GOVERNMENT EMPLOYEE AND SHALL NOT BE LIMITED TO LISTS
40 OF ELIGIBLE INDIVIDUALS PROVIDED BY MEMBERS OF THE GENERAL ASSEMBLY.

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42 (3.5) THE COMMISSION SHALL DISMISS AS FRIVOLOUS ANY COMPLAINT FILED UNDER
43 ARTICLE XXIX THAT FAILS TO ALLEGE A PUBLIC OFFICER, MEMBER OF THE GENERAL ASSEMBLY,
44 LOCAL GOVERNMENT OFFICIAL, OR GOVERNMENT EMPLOYEE SOLICITED, ACCEPTED, OR RECEIVED
45 ANY GIFT OR OTHER THING OF VALUE FOR PRIVATE GAIN OR PERSONAL FINANCIAL GAIN.

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2 (3.7) ANY FINAL ACTION OF THE COMMISSION CONCERNING A COMPLAINT SHALL BE
3 SUBJECT TO JUDICIAL REVIEW BY THE DISTRICT COURT FOR THE CITY AND COUNTY OF DENVER.
4

5 (4.5) NOTWITHSTANDING ANY PROVISION OF LAW, A SUBPOENA REQUIRING THE
6 ATTENDANCE OF A WITNESS OR THE PRODUCTION OF DOCUMENTS SHALL BE ISSUED BY THE
7 COMMISSION ONLY IF A MOTION TO ISSUE ANY SUCH SUBPOENA HAS BEEN MADE BY ONE MEMBER
8 OF THE COMMISSION AND APPROVED BY A MAJORITY OF THE COMMISSION'S MEMBERS.
9

10 (5.5)(a) THE COMMISSION SHALL PREPARE A RESPONSE TO A REQUEST FOR AN ADVISORY
11 OPINION FROM A PUBLIC OFFICER, MEMBER OF THE GENERAL ASSEMBLY, LOCAL GOVERNMENT
12 OFFICIAL, OR GOVERNMENT EMPLOYEE AS TO WHETHER PARTICULAR ACTION BY SUCH OFFICER,
13 MEMBER, OFFICIAL, OR EMPLOYEE SATISFIES THE REQUIREMENTS OF ARTICLE XXIX NOT MORE
14 THAN TWENTY BUSINESS DAYS AFTER THE REQUEST IS MADE TO THE COMMISSION.

15 (b) ANY PERSON WHO IS NOT A PUBLIC OFFICER, MEMBER OF THE GENERAL ASSEMBLY,
16 LOCAL GOVERNMENT OFFICIAL, OR GOVERNMENT EMPLOYEE MAY SUBMIT A REQUEST TO THE
17 COMMISSION FOR A LETTER RULING CONCERNING WHETHER POTENTIAL CONDUCT OF THE PERSON
18 MAKING THE REQUEST SATISFIES THE REQUIREMENTS OF ARTICLE XXIX. IN SUCH CASE, THE
19 COMMISSION SHALL ISSUE A RESPONSE TO THE REQUEST AS SOON AS PRACTICABLE.

20 (c) EACH ADVISORY OPINION OR LETTER RULING, AS APPLICABLE, ISSUED BY THE
21 COMMISSION SHALL BE WRITTEN WITH THE ASSISTANCE OF APPROPRIATE STAFF IN THE ATTORNEY
22 GENERAL'S OFFICE, SHALL BE A PUBLIC DOCUMENT, AND SHALL BE PROMPTLY POSTED ON A
23 WEBSITE THAT SHALL BE MAINTAINED BY THE COMMISSION; EXCEPT THAT, IN THE CASE OF A
24 LETTER RULING, THE COMMISSION SHALL REDACT THE NAME OF THE PERSON REQUESTING THE
25 RULING OR OTHER IDENTIFYING INFORMATION BEFORE IT IS POSTED ON THE WEBSITE.
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27 **SECTION 4.** Article XXIX of the Colorado Constitution is amended BY THE
28 ADDITION OF A NEW SECTION 10 to read:
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30 **SECTION 10. Occupational tax on professional lobbyists.**

31 (a) IN ORDER TO SUPPLEMENT THE STATE'S GENERAL FUND FOR REVENUES EXPENDED
32 ON THE COMMISSION'S INTERPRETATION AND ENFORCEMENT OF ARTICLE XXIX, AN
33 OCCUPATIONAL TAX OF \$50 PER YEAR SHALL BE PAID BY EACH PROFESSIONAL LOBBYIST. FOR THE
34 FISCAL YEAR ENDING JUNE 30, 2008, THE FULL AMOUNT OF SUCH OCCUPATIONAL TAX SHALL BE
35 IMPOSED ON ANY PERSON WHO ACTS AS A PROFESSIONAL LOBBYIST ON OR AFTER JANUARY 1,
36 2008. SUBJECT TO SUBSECTION (b) OF THIS SECTION, A PROFESSIONAL LOBBYIST SHALL PAY THE
37 OCCUPATIONAL TAX IN ANY SUBSEQUENT FISCAL YEAR IN WHICH HE LOBBIES ONE OR MORE PUBLIC
38 OFFICERS, MEMBERS OF THE GENERAL ASSEMBLY, LOCAL GOVERNMENT OFFICIALS, OR
39 GOVERNMENT EMPLOYEES.

40 (b) FOR ANY FISCAL YEAR COMMENCING AFTER JUNE 30, 2008, THE GENERAL
41 ASSEMBLY MAY INCREASE OR DECREASE THE RATE OF THE OCCUPATIONAL TAX, SO LONG AS
42 REVENUE FROM SUCH TAX DOES NOT EXCEED NINETY PERCENT OF GENERAL FUND EXPENDITURES
43 ASSOCIATED WITH THE COMMISSION IN THAT FISCAL YEAR. REGARDING ANY INCREASE IN THE
44 RATE OF THE OCCUPATIONAL TAX ENACTED PURSUANT TO THIS SUBSECTION, VOTER APPROVAL OF
45 THIS SECTION AT THE 2007 GENERAL ELECTION SHALL SATISFY THE REQUIREMENTS FOR VOTER
46 APPROVAL UNDER SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION.

1 (c) THE DEPARTMENT OF REVENUE SHALL COLLECT ALL OCCUPATIONAL TAXES
2 IMPOSED UNDER THIS SECTION AND SHALL REMIT THE REVENUES FROM SUCH TAX TO THE STATE'S
3 GENERAL FUND.

4 (d) ALL REVENUES GENERATED BY THE OCCUPATIONAL TAX ON PROFESSIONAL
5 LOBBYISTS SHALL BE EXEMPT FROM ANY RESTRICTIONS ON SPENDING, REVENUES, OR
6 APPROPRIATIONS, INCLUDING WITHOUT LIMITATION, THE RESTRICTIONS IN SECTION 20 OF ARTICLE
7 X OF THE COLORADO CONSTITUTION.

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9 **SECTION 5.** Article XXIX of the Colorado Constitution is amended BY THE
10 ADDITION OF A NEW SECTION 11 to read:

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12 **SECTION 11. Applicability.** IN APPROVING AMENDMENTS TO ARTICLE XXIX AT THE
13 2007 GENERAL ELECTION, IT IS THE VOTERS' INTENT THAT SECTIONS 2(3.5), (4.5) AND 3(3.5) OF
14 ARTICLE XXIX CLARIFY EXISTING LAW. THOSE PROVISIONS IMPLEMENT THE OVERRIDING LEGAL
15 STANDARD USED IN SECTIONS 1 AND 6 OF ARTICLE XXIX: VIOLATION OF THE PUBLIC TRUST FOR
16 PRIVATE GAIN. AS SUCH, SECTIONS 2(3.5), (4.5) AND 3(3.5) ARE INTENDED TO BE USED IN
17 INTERPRETING AND APPLYING ARTICLE XXIX IN COMPLAINTS BEFORE THE COMMISSION, ADVISORY
18 OPINIONS AND LETTER RULINGS, LITIGATION IN WHICH ONE OR MORE PARTIES SEEKS TO DECLARE
19 ANY PORTION OF ARTICLE XXIX UNCONSTITUTIONAL OR ENJOIN OR SUSPEND ITS EFFECT, IN
20 WHOLE OR IN PART, AND APPELLATE PROCEEDINGS OF ANY COMMISSION OR COURT DECISION
21 INCLUDING THOSE INITIATED PRIOR TO THE 2007 GENERAL ELECTION. FURTHER, VOTER APPROVAL
22 OF AMENDMENTS TO ARTICLE XXIX AT THE 2007 GENERAL ELECTION SHALL BE DEEMED TO
23 CONSTITUTE REENACTMENT OF SECTIONS 1, 2, 3, 5, AND 6 OF THAT ARTICLE, IN THE EVENT A STATE
24 OR FEDERAL COURT DECLARES ALL OR PART OF SUCH SECTIONS TO BE UNCONSTITUTIONAL OR
25 ENJOINS OR SUSPENDS THEIR EFFECT, IN WHOLE OR IN PART, BEFORE THESE CLARIFYING
26 AMENDMENTS ARE ADOPTED.

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28 **SECTION 6.** Article XXIX of the Colorado Constitution is amended BY THE
29 ADDITION OF A NEW SECTION 12 to read:

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31 **SECTION 12. Effective date.** THE AMENDMENTS APPROVED BY THE VOTERS AT THE
32 2007 GENERAL ELECTION AND ADDED TO THIS ARTICLE IN SECTION 2(3.5) AND (4.5), SECTION
33 3(3.5), SECTION 5(2.5), (3.5), (3.7), (4.5), AND (5.5), AND SECTIONS 10, 11, AND 12, SHALL TAKE
34 EFFECT EITHER ON JANUARY 1, 2008 OR AS PROVIDED BY SECTION 1(4) OF ARTICLE V OF THE
35 COLORADO CONSTITUTION, WHICHEVER DATE OCCURS EARLIER.