

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 9, 2017
Date

Committee on State, Veterans, & Military Affairs.

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

HB17-1155 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, strike everything below the enacting clause
2 and substitute the following:

3 "SECTION 1. In Colorado Revised Statutes, 1-45-109, **amend**
4 (4)(b); and **add** (4)(c) and (12) as follows:

5 **1-45-109. Filing - where to file - timeliness - definition.**
6 (4) (b) Any report that is deemed to be incomplete by the appropriate
7 officer shall be accepted on a conditional basis and the committee ~~or party~~
8 ~~treasurer shall~~ MUST be notified by mail as to any deficiencies found. If
9 an ~~electronic mail~~ E-MAIL address is on file with the secretary of state, the
10 secretary of state may also provide such notification by ~~electronic mail~~
11 E-MAIL. The committee ~~or party treasurer shall have~~ HAS fifteen business
12 days from the date such notice is sent, whether electronically or by United
13 States mail, to file an addendum that cures the deficiencies.

14 (c) (I) UPON RECEIPT OF A COMPLAINT BROUGHT UNDER SECTION
15 9 (2)(a) OF ARTICLE XXVIII OF THE STATE CONSTITUTION ALLEGING A
16 FAILURE TO FILE OTHER INFORMATION REQUIRED TO BE FILED OR
17 DISCLOSED PURSUANT TO ARTICLE XXVIII OF THE STATE CONSTITUTION
18 OR THIS ARTICLE 45, THE SECRETARY OF STATE SHALL GIVE NOTICE TO THE
19 COMMITTEE BY E-MAIL OF THE DEFICIENCIES ALLEGED IN THE COMPLAINT.
20 SERVICE OF THE NOTICE DOES NOT TOLL OR OTHERWISE AFFECT THE
21 THREE-DAY PERIOD DURING WHICH THE SECRETARY OF STATE IS REQUIRED
22 TO REFER A COMPLAINT TO AN ADMINISTRATIVE LAW JUDGE PURSUANT TO
23 SECTION 9 (2)(a) OF ARTICLE XXVIII OF THE STATE CONSTITUTION. UPON

1 RECEIPT OF THE NOTICE FROM THE SECRETARY OF STATE, THE COMMITTEE
2 MAY REQUEST FROM THE APPROPRIATE OFFICER A POSTPONEMENT OF THE
3 HEARING BROUGHT UNDER SECTION 9 (2)(a) OF ARTICLE XXVIII OF THE
4 STATE CONSTITUTION AND, IF SUCH REQUEST IS TIMELY SUBMITTED, HAS
5 FIFTEEN BUSINESS DAYS FROM THE DATE OF THE NOTICE TO FILE AN
6 ADDENDUM TO THE RELEVANT REPORT THAT CURES ANY SUCH
7 DEFICIENCIES IN THE DISCLOSURE SPECIFIED IN THE NOTICE. THE
8 COMMITTEE SHALL ALSO PROVIDE THE COMPLAINANT NOTICE OF THE
9 ENTITY'S INTENT TO CURE AND A COPY OF THE ADDENDUM ON THE SAME
10 DAY THAT THE ADDENDUM IS FILED WITH THE SECRETARY OF STATE.
11 WHERE THE COMMITTEE FILES AN ADDENDUM THAT CURES ALL
12 DEFICIENCIES ALLEGED IN THE COMPLAINT BEFORE THE EXPIRATION OF
13 THE FIFTEEN-DAY PERIOD SPECIFIED IN THIS SUBSECTION (4)(c)(I), THE
14 APPROPRIATE OFFICER SHALL NOT ASSESS A PENALTY AGAINST THE
15 COMMITTEE THAT OTHERWISE WOULD HAVE BEEN ASSESSED FOR THE
16 DEFICIENCIES FOR THE PERIOD FROM THE FIRST DATE OF THE ALLEGED
17 VIOLATION THROUGH THE EXPIRATION OF THE CURE PERIOD.

18 (II) UPON FILING AN ADDENDUM TO THE RELEVANT REPORT BY THE
19 COMMITTEE THAT CURES ALL SUCH DEFICIENCIES IN ACCORDANCE WITH
20 SUBSECTION (4)(c)(I) OF THIS SECTION, THE APPROPRIATE OFFICER SHALL
21 SET A HEARING WITHIN THIRTY DAYS OF THE NOTICE TO DETERMINE
22 WHETHER ALL ISSUES RAISED BY THE COMPLAINT HAVE BEEN RESOLVED.
23 IF THE COMMITTEE FAILS TO CURE ANY SUCH DEFICIENCY, ANY PENALTY
24 IMPOSED FOR THE DEFICIENCY CONTINUES TO ACCRUE UNTIL FURTHER
25 RESOLUTION OF THE MATTER. NOTWITHSTANDING ANY OTHER PROVISION
26 OF LAW, SUBSECTION (4)(c)(I) OF THIS SECTION ONLY APPLIES IN THE CASE
27 OF A GOOD FAITH EFFORT BY A COMMITTEE TO MAKE A TIMELY
28 DISCLOSURE IN ACCORDANCE WITH ARTICLE XXVIII OF THE STATE
29 CONSTITUTION OR THIS ARTICLE 45 OR WHERE THE DISCLOSURE MADE BY
30 THE COMMITTEE IS IN SUBSTANTIAL COMPLIANCE WITH SUCH LEGAL
31 REQUIREMENTS. THE COMMITTEE HAS THE BURDEN OF DEMONSTRATING
32 GOOD FAITH OR SUBSTANTIAL COMPLIANCE UNDER THIS SUBSECTION
33 (4)(c)(II) BY A PREPONDERANCE OF THE EVIDENCE IN THE HEARING HELD
34 BY THE APPROPRIATE OFFICER UNDER SECTION 9 (2)(a) OF ARTICLE
35 XXVIII OF THE STATE CONSTITUTION. WHERE THE COMMITTEE FAILS TO
36 SATISFY ITS BURDEN OF DEMONSTRATING EITHER GOOD FAITH OR
37 SUBSTANTIAL COMPLIANCE, THE ADMINISTRATIVE LAW JUDGE SHALL
38 IMPOSE A PENALTY OF FIFTY DOLLARS PER DAY FOR EACH DAY THE
39 COMMITTEE HAS FAILED TO FILE OTHER INFORMATION REQUIRED TO BE
40 FILED OR DISCLOSED PURSUANT TO ARTICLE XXVIII OF THE STATE
41 CONSTITUTION OR THIS ARTICLE 45.

1 (12) FOR PURPOSES OF THIS SECTION, "APPROPRIATE OFFICER"
2 MEANS A HEARING OFFICER OR AN ADMINISTRATIVE LAW JUDGE.

3 **SECTION 2. Act subject to petition - effective date -**
4 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
5 the expiration of the ninety-day period after final adjournment of the
6 general assembly (August 9, 2017, if adjournment sine die is on May 10,
7 2017); except that, if a referendum petition is filed pursuant to section 1
8 (3) of article V of the state constitution against this act or an item, section,
9 or part of this act within such period, then the act, item, section, or part
10 will not take effect unless approved by the people at the general election
11 to be held in November 2018 and, in such case, will take effect on the
12 date of the official declaration of the vote thereon by the governor.

13 (2) This act applies to the disclosure of campaign finance
14 information made on or after the effective date of this act."

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