

CHAPTER 363

GENERAL ASSEMBLY

SENATE BILL 06-051

BY SENATOR(S) Tupa, Bacon, Groff, Grossman, Shaffer, and Windels;
also REPRESENTATIVE(S) Weissmann, Benefield, Carroll M., Coleman, Frangas, Green, Hall, Madden, Merrifield, Paccione,
Romanoff, Sullivan, Todd, Carroll T., McGihon, Penry, and White.

AN ACT

CONCERNING BENEFITS THAT MAY BE ACCEPTED BY CERTAIN PUBLIC OFFICIALS, AND, IN CONNECTION THEREWITH, PROHIBITING CERTAIN PUBLIC OFFICIALS FROM ACCEPTING MONETARY GIFTS.

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

SECTION 1. 24-6-203 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-6-203. Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - prohibition on monetary gifts - penalty - definitions. (1) (c) AS USED IN THIS SECTION, "STATEWIDE ELECTED OFFICE" MEANS THE OFFICE OF GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, ATTORNEY GENERAL, STATE TREASURER, MEMBERS OF THE STATE BOARD OF EDUCATION, REGENTS OF THE UNIVERSITY OF COLORADO, MEMBERS OF THE GENERAL ASSEMBLY, OR DISTRICT ATTORNEYS.

SECTION 2. 24-6-203 (2), the introductory portion to 24-6-203 (3), 24-6-203 (3) (a) and (3) (b), the introductory portion to 24-6-203 (4), and 24-6-203 (7), Colorado Revised Statutes, are amended, and the said 24-6-203 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

24-6-203. Reporting by incumbents and elected candidates - gifts, honoraria, and other benefits - prohibition on monetary gifts - penalty - definitions. (2) Every incumbent in or candidate elected to public office who receives from any other person any item described in subsection (3) of this section in connection with the incumbent's or elected candidate's public service shall file with the appropriate officer, on or before January 15, APRIL 15, JULY 15, AND OCTOBER 15 of each year, a report for ~~the preceding calendar year~~ COVERING THE PERIOD SINCE THE LAST

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

REPORT. Such report shall be on forms prescribed by the secretary of state and shall contain, at a minimum, the name of the person from whom the item was received and the amount or value and the date of receipt. The secretary of state shall furnish such forms to municipal clerks, to county clerk and recorders, and to incumbents and elected candidates for state offices and district offices of districts greater than a county free of charge for use by incumbents and elected candidates required to file such forms. If any incumbent in or candidate elected to public office does not receive any such item, he OR SHE shall not be required to file such report.

(3) The ~~report~~ REPORTS required by subsection (2) of this section shall include the following:

(a) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (3.5) OF THIS SECTION, any money, including but not limited to a loan, pledge, or advance of money or a guarantee of a loan of money, with a value of twenty-five dollars or more;

(b) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (3.5) OF THIS SECTION, any gift of any item of real or personal property, other than money, with a value of fifty dollars or more;

(3.5) (a) EACH INCUMBENT IN OR CANDIDATE ELECTED TO STATEWIDE ELECTED OFFICE IS PROHIBITED FROM KNOWINGLY RECEIVING OR ACCEPTING FROM ANY OTHER PERSON, IN CONNECTION WITH THE PUBLIC SERVICE OF THE INCUMBENT OR ELECTED CANDIDATE:

(I) A GIFT OF ANY MONEY, INCLUDING BUT NOT LIMITED TO A LOAN, PLEDGE, OR ADVANCE OF MONEY, A GUARANTEE OF A LOAN OF MONEY, OR ANY MONETARY PAYMENT GIVEN, DIRECTLY OR INDIRECTLY, FOR THE PURPOSE OF DEFRAYING ANY EXPENSES RELATED TO THE OFFICIAL DUTIES UNDERTAKEN BY THE INCUMBENT OR ELECTED CANDIDATE; OR

(II) AN IN-KIND GIFT.

(b) NOTHING IN PARAGRAPH (a) OF THIS SUBSECTION (3.5) SHALL BE CONSTRUED TO PROHIBIT AN INCUMBENT OR ELECTED CANDIDATE FROM RECEIVING A SALARY OR OTHER COMPENSATION PAID TO THE INCUMBENT OR ELECTED CANDIDATE IN CONNECTION WITH THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES, INCLUDING, WITHOUT LIMITATION, PAYMENT FOR A SPEECH, APPEARANCE, OR PUBLICATION OR PAYMENT OF OR REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENDITURES FOR TRAVEL AND LODGING AS PROVIDED BY LAW, INCLUDING SCHOLARSHIPS FOR CONFERENCES.

(c) FOR PURPOSES OF THIS SUBSECTION (3.5), AN "IN-KIND GIFT" MEANS ANY GIFT OF EQUIPMENT, GOODS, SUPPLIES, PROPERTY, SERVICES, OR ANYTHING ELSE, THE VALUE OF WHICH EXCEEDS FIFTY DOLLARS IN THE AGGREGATE IN ANY ONE CALENDAR YEAR, GIVEN, DIRECTLY OR INDIRECTLY, TO AN INCUMBENT IN OR CANDIDATE ELECTED TO STATEWIDE ELECTED OFFICE FOR THE PURPOSE OF DEFRAYING ANY EXPENSES RELATED TO THE OFFICIAL DUTIES UNDERTAKEN BY THE INCUMBENT OR ELECTED CANDIDATE.

(3.7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO INCUMBENT

IN OR CANDIDATE ELECTED TO STATEWIDE ELECTED OFFICE SHALL ACCEPT A GIFT OF ANY MONEY FROM ANY PERSON WHO IS A PROFESSIONAL OR VOLUNTEER LOBBYIST OR FROM A CORPORATION OR LABOR ORGANIZATION.

(4) The ~~report~~ REPORTS required by subsection (2) of this section need not include the following:

(7) Any person who willfully files a false or incomplete report pursuant to this section, who willfully fails to file ~~the~~ A report required by this section, ~~or~~ who willfully fails to provide the statement of value required by subsection (5) of this section, OR WHO VIOLATES ANY PROVISION OF SUBSECTION (3.5) OF THIS SECTION is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2006, and shall apply to offenses committed on or after said date.

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

Became Law: June 8, 2006