

IMPLEMENTATION OF ARTICLE XXIX, ETHICS IN GOVERNMENT

Independent Ethics Commission

HJR 07-1029 (Adopted)
Interrogatories on SB 07-210

SB 07-210 (Enacted)
Independent Ethics Committee

Legislative Per Diem

SB 07-139 (Enacted)
Legislative Per Diem Increase

Age Requirement for General Assembly Service

HCR 07-1002 (Adopted)
Qualifications for Service in the General Assembly

A number of topics directed to the conduct and operations of the General Assembly were considered during the 2007 legislative session. Topics debated ranged from the implementation of Article XXIX of the state constitution pertaining to ethics in government to legislative per diem to age requirements for legislative members.

Independent Ethics Commission

Voters approved Article XXIX of the state constitution at the 2006 general election, restricting the gifts that may be accepted by public officers and government employees in the state and creating a five-member ethics commission to hear complaints and to issue findings and opinions on ethics issues arising under the law. The implementation of the new article's requirements was a subject of significant consideration and debate throughout the legislative session. Ultimately, the General Assembly passed and the Governor signed into law **Senate Bill 07-210**, statutorily creating the independent ethics commission to carry out the responsibilities set forth in the constitution. Specifically, the five-member commission is established in the Office of Administrative Courts in the Department of Personnel and Administration. The Senate appointment to the commission is made by the Senate President, with the approval of two-thirds of Senate members, and the House appointment is made by the Speaker of the House, with the approval of two-thirds of the House members. The remaining commission members include one appointee each made by the Governor and Chief Justice of the Supreme Court, and a fifth member to represent local government appointed by an affirmative vote of at least three of the four other appointees.

The bill addresses the commission's responsibilities in regard to hearing complaints, issuing advisory opinions, and responding to requests for letter rulings. It stipulates that advisory opinions in response to requests from public officers, members of the General Assembly, local government officials, or government employees must be made within 20 days of the request, and that letter rulings responding to requests from other persons must be made as soon as practicable.

In regard to consideration of complaints, the bill establishes a standard requiring the commission to dismiss as frivolous any complaint that fails to allege that a covered official accepted or received a gift or thing of value for private or personal financial gain and was given or offered by a person seeking to influence an official act in the course of the official's public duties. Pursuant to the ethics commission's constitutional authority to issue subpoenas, SB 07-210 requires that issuance of such a subpoena requires a motion by a member of the commission and approval of at least four of its members.

Additionally, and in conjunction with SB 07-210, the General Assembly passed **House Joint Resolution 07-1029**, submitting an interrogatory to the Colorado Supreme Court. The court declined to accept the interrogatory.

Legislative Per Diem

Issues surrounding legislative pay were debated in the context of **Senate Bill 07-139**. The bill raises the per diem rate for legislators outside of the Denver metropolitan area from \$99 per day to 85 percent of the federal per diem rate for the City and County of Denver (\$150 for FY 2007-08). The bill further:

- authorizes, during the legislative interim and with prior Executive Committee approval, a \$99 per diem for members of standing committees when a committee considers matters for which the committee has oversight; and
- allows, with Executive Committee approval, reimbursement for expenses incurred during the legislative interim that are due to extraordinary or unforeseen circumstances related to legislative business.

Age Requirement for General Assembly Service

The General Assembly proposes lowering the current constitutional age requirement for service in the General Assembly through passage of **House Concurrent Resolution 07-1002** and refers the issue to the voters. At the 2008 general election, Colorado voters will decide whether to lower the age requirement from age 25 to age 21.