

State of Colorado



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Proposed Statement of Basis, Purpose and Specific Statutory Authority Independent Ethics Commission Rules of Procedure

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1. Basis and Purpose

This proposed statement pertains to amendments to the Rules of Procedure of the Colorado Independent Ethics Commission for the administration of Colorado State Constitution Article XXIX. The Commission first promulgated procedural rules in 2008 which are contained at 8 CCR 1510.

These changes are proposed in order to simplify and clarify the Commission's procedures regarding complaints and regarding the process for obtaining advice from the Commission. More specifically, the proposed rules:

- a. clarify what information must be contained in a complaint;
- b. limit the grounds upon which a complaint may be dismissed;
- c. provide that a person who receives an Advisory Opinion on a particular matter may rely on that opinion as a defense in any complaint proceeding;
- d. add a section regarding the Commission's investigation process and
- e. eliminate the requirement for a prehearing statement.

In addition, the proposed rules define the term "frivolous" to provide greater clarity as to that term's meaning under Article XXIX. The proposed rules also provide for a mandatory public comment period at all Commission meetings and provide for the development of a training program to more effectively administer and enforce the requirements of Article XXIX.

2. **Statutory Authority**

Amendments to the Independent Ethics Commission's procedural rules are adopted pursuant to this provision:

Colorado Constitution Article XXIX section 5(1) provides that the "independent ethics commission shall have the authority to adopt such reasonable rules as may be necessary for the purpose of administering and enforcing the provisions of this article and any other standards of conduct and reporting requirements as provided by law."