

Adherence to these rules and guidelines in the everyday conduct of legislative matters enhances the legislative process. Failure to observe them inhibits the interchange of information and discredits the legislative process and those who participate therein.

Lobbyists should familiarize themselves with Colorado Revised Statutes 24-6-301 through 24-6-309, and any rules of the General Assembly concerning lobbying (Joint Senate and House Rule 36; Senate Rule 31; House Rules 39, 40 and 41).

Lobbyists wear a blue identification badge that differentiates them from legislative staff.

The following are summarizations and the relevant statutes should be reviewed if specific questions arise:

DEFINITIONS

Lobbying: Communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing:

- the drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto by any covered official on any bill, resolution, amendment, nomination, appointment or report, or any other matter pending or proposed for consideration by either the General Assembly or a committee thereof, whether or not the General Assembly is in session;
- the convening of a special session of the General Assembly or the specification of business to be transacted at such special session; or
- the drafting, consideration, amendment, adoption, or defeat of any rule, standard, or rate of any state agency having rulemaking authority. [24-6-301(3.5), CRS]

Covered Official: Governor; Lieutenant Governor; or member of the GA; members of a rulemaking board or commission or a rulemaking official of a state agency. [24-6-301(1.7), CRS]

Professional Lobbyist: Any person who engages or is engaged by any other person for pay or for any consideration for lobbying. [24-6-301(6), CRS]

Volunteer Lobbyist: Any individual who engages in lobbying and receives no payment other than reimbursement for actual or reasonable expenses incurred for personal needs. [24-6-301(7), CRS]

DISCLOSURE STATEMENTS

Any person who makes expenditures for gifts or entertainment purposes for the benefit of covered officials in the amount of \$200 in a calendar year, shall file disclosure statements with the Secretary of State. [24-6-302(2), CRS]

Some disclosure requirements: [24-6-301(1.9), CRS]

- the full identity of any person contributing \$100 or more to the lobbyist for lobbying activity;
- the identity of each covered official to whom expenditures of \$50 or more have been made in connection with lobbying and the principal purpose of the expenditure
- the total sum of all such contributions and expenditures

REGISTRATION

Any professional lobbyist, before engaging in lobbying, shall register with the Secretary of State. [24-6-303(1), CRS]

Any person lobbying on behalf of a principal department of state government shall register with the Secretary of State and copies shall be filed with the governor's office, Secretary of the Senate and the Chief Clerk of the House of Representatives. [24-6-303.5, CRS]

A volunteer lobbyist shall register with the Chief Clerk of the House of Representatives [Joint Rule 36(c)(2)].

EXCEPTIONS

Lobbying does not apply:

- to communications required by statute, rule, regulation, order, invitation, or command of a legislative committee unless a person appears more than three times on a single issue before the same body in a calendar year. [24-6-301(3.5)(d), CRS]
- to communications on behalf of a client in the practice of law [24-6-301(3.5)(e), CRS]
- to the duties performed by employees of the legislative department. [24-6-301(3.5)(f), CRS]
- to persons not registered as lobbyists who limit their activities to giving testimony or providing information. [26-6-301(3.5)(d)(III)(B)]

PROHIBITIONS

No one may act as a professional lobbyist who has not been granted a Certificate of Registration by the Secretary of State, or employ such a person as a lobbyist. [24-6-303(4), CRS and 24-6-306 CRS]

No lobbying may be based upon a fee contingent upon the outcome of the lobbying. [24-6-308, CRS]

Joint Rule 36 from Joint Rules of the Senate and House of Representatives

No one engaged in lobbying shall:

Attempt to influence any legislator or elected or appointed state official or state employee or legislative employee by means of deceit or by threat of violence or economic or political reprisal against any person or property, with intent thereby to alter or affect a decision, vote, opinion, or action concerning any matter which is to be considered or performed by him or the agency or body of which he is a member;

Knowingly provide false information to any legislator or elected or appointed state official or state employee or legislative employee as to any material fact pertaining to any legislation;

Knowingly omit, conceal, or falsify in any manner information required by the registration and lobbyist disclosure reports;

Become an active participant in the internal organization or leadership races of the General Assembly;

Cause or influence the introduction of any bill or amendment for the purpose of afterwards being employed to secure its passage or defeat;

File against another lobbyist a complaint subsequently found by the Executive Committee to be frivolous;

Misappropriate or misuse state office supplies;

Use state reproduction machines without paying for such use;

Enter or use a legislator's or elected or appointed state official's or state employee's or legislative employee's office, phone, or parking space without explicit permission;

Attempt to remove or remove any document from any legislative office, desk, file cabinet, reproduction machine, or any other place without explicit permission;

Engage in sexually harassing behavior towards members, legislative employees of the General Assembly, or third parties or behavior violative of the sexual harassment policy under Joint Rule No. 38.

Senate Rule 31

Lobbyists shall not be permitted on the floor of the Senate between 9:00 a.m. and adjournment except on the invitation of a Senator.

House Rule 39

No lobbyist shall be admitted to the floor of the House at any time the House is in session, including while it is sitting as a committee of the whole.

No lobbyist shall be admitted to the floor of the House under any circumstances prior to 12 o'clock noon.

Senate Rule 31(e), House Rule 40

Any lobbyist, except a volunteer lobbyist, desiring to appear before any committee of the Senate or House shall first register as a lobbyist with the Secretary of State.

A volunteer lobbyist shall register with the Chief Clerk and will be issued a card which will permit said person to appear before a committee.

Senate Rule 31, House Rule 41

No lobbyist shall distribute or cause to be distributed any material in the House or Senate without having indicated on such material clearly the name, identification, and address of the person, department, or organization publishing or sponsoring such distribution.

Colorado Constitution, Article XXIX (Commonly referred to as "Amendment 41")

The state constitution expressly prohibits a professional lobbyist, personally or on behalf of any other person or entity, from knowingly offering, giving, or arranging to give to members of the General Assembly (among other individuals covered by the article), or to a member's immediate family members, any gift or thing of value or any meal, beverage, or other consumable time.

The Lobbying Practices Committee, appointed during the 1987 legislative session suggested the following guidelines for legislators and lobbyists:

- Exercise common sense and good judgement.
- Practice common courtesy and respect, including not eavesdropping on or interrupting conversations.
- By personal example and admonition to colleagues, uphold the honor of the legislative process by the integrity of relationships with legislators, lobbyists and staff.
- Give freely of your experience.
- Confine your discussions to the subject.
- Avoid private conversations while someone else is speaking.
- Say what you think.
- Listen alertly.
- Be patient.
- Appreciate others' points of view.
- Wear your name tag.

PUBLICATIONS AVAILABLE

The "Colorado Legislator's Handbook," available from Legislative Council.

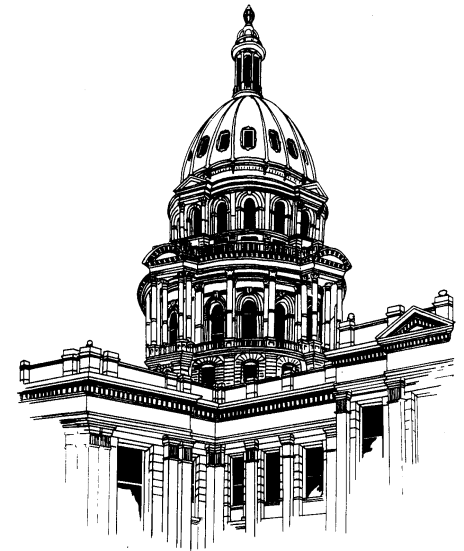
The "Colorado Sunshine Act of 1972," article 6 of title 24, Colorado Revised Statutes.

"An Introduction to the Colorado Legislative Process", available from Legislative Council.

"Public Participation in a Legislative Hearing," available from the Chief Clerk of the House.

The offices of Legislative Legal Services and Legislative Council have published guidelines for staff interaction with lobbyists. They are available upon request.

GUIDELINES for LOBBYISTS



COLORADO GENERAL ASSEMBLY