

CHAPTER 215

GOVERNMENT - STATE

HOUSE BILL 96-1097

BY REPRESENTATIVES Gordon, Foster, Kerns, Clarke, DeGette, Friednash, Hagedorn, Kaufman, Keller, Knox, Kreutz, Lamm, Leyba, Lyle, Mace, Saliman, Snyder, Sullivan, Sullivant, and Tupa;
also SENATORS Bishop, Feeley, Hernandez, Johnson, Linkhart, Mutzebaugh, and Pascoe.

AN ACT

CONCERNING THE REGULATION OF LOBBYISTS.

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

SECTION 1. 24-6-301 (1.9) (a) (VI), Colorado Revised Statutes, 1988 Repl. Vol., is amended, and the said 24-6-301, as amended, is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-6-301. Definitions. As used in this part 3, unless the context otherwise requires:

(1.9) (a) "Disclosure statement" means a written statement which contains:

(VI) ~~The name and address of each person to whom an expenditure of fifty dollars or more has been made by or on behalf of the disclosing person in connection with lobbying, other than gift or entertainment expenditures, during either the first six months or the second six months of a calendar year and the amount, date, and principal purpose of the expenditure;~~

(2.5) "GROSS INCOME FOR LOBBYING" MEANS THE TOTAL INCOME, INCLUDING COMPENSATION FOR SERVICES, FEES, AND SIMILAR PAYMENTS, BEFORE ANY DEDUCTIONS ARE MADE, RECEIVED BY A PROFESSIONAL LOBBYIST FOR LOBBYING OR BY A FIRM ORGANIZED FOR PROFESSIONAL LOBBYING PURPOSES THAT EMPLOYS A PROFESSIONAL LOBBYIST.

SECTION 2. 24-6-302 (1) and (3), Colorado Revised Statutes, 1988 Repl. Vol., are amended, and the said 24-6-302 is further amended BY THE ADDITION OF

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

THE FOLLOWING NEW SUBSECTIONS, to read:

24-6-302. Disclosure statements - required. ~~(1) Any person who by himself or through any agent, employee, or other person in any manner, directly or indirectly, solicits, collects, or receives money or any other thing of value at any time during the calendar year to be used for lobbying by any person shall file disclosure statements with the secretary of state in accordance with this section.~~

(2.5) (a) A REGISTERED PROFESSIONAL LOBBYIST AND ANY FIRM ORGANIZED FOR PROFESSIONAL LOBBYING PURPOSES THAT EMPLOYS SUCH LOBBYIST SHALL FILE DISCLOSURE STATEMENTS IN ACCORDANCE WITH THIS SECTION. SUCH A DISCLOSURE STATEMENT, IN LIEU OF THE CONTRIBUTIONS DESCRIBED IN SECTION 24-6-301 (1.9) (a) (I), (1.9) (a) (II), AND (1.9) (a) (III), SHALL CONTAIN THE GROSS INCOME FOR LOBBYING SINCE THE PRIOR MONTH'S DISCLOSURE STATEMENT AND THE NAME AND ADDRESS OF ANY PERSON FROM WHOM GROSS INCOME FOR LOBBYING IS RECEIVED TOTALING ONE HUNDRED DOLLARS OR MORE.

(b) NO DISCLOSURE STATEMENT SHALL BE REQUIRED OF A PERSON WHO IS DESCRIBED IN A DISCLOSURE STATEMENT OF A REGISTERED PROFESSIONAL LOBBYIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2.5).

(c) NOTHING IN THIS SUBSECTION (2.5) SHALL BE CONSTRUED TO REQUIRE A PROFESSIONAL LOBBYIST OR A FIRM ORGANIZED FOR PROFESSIONAL LOBBYING PURPOSES THAT IS ENGAGED IN LOBBYING FOR A TRADE ASSOCIATION, PUBLIC INTEREST GROUP, OR GOVERNMENTAL ORGANIZATION TO INCLUDE IN THE DISCLOSURE STATEMENT OF SUCH LOBBYIST OR FIRM ANY DUES, ASSESSMENTS, OR FEES COLLECTED BY SUCH ASSOCIATION, GROUP, OR ORGANIZATION FOR LOBBYING PURPOSES.

(3) (a) Disclosure statements shall be filed within fifteen days after the end of the first calendar month in which any contribution OR GROSS INCOME FOR LOBBYING is received ~~or receivable~~ or any expenditure is made or incurred for lobbying and shall be filed within fifteen days after the end of each subsequent month during the calendar year.

(b) A cumulative disclosure statement for the entire calendar year shall be filed on or before January 15 of the next year. SUCH DISCLOSURE STATEMENT SHALL CONTAIN THE NAME OF AND TOTAL GROSS INCOME FOR LOBBYING RECEIVED FROM EACH PERSON FOR THE PREVIOUS CALENDAR YEAR. THE TOTAL GROSS INCOME FOR LOBBYING RECEIVED FROM A PERSON NAMED IN THE DISCLOSURE STATEMENT SHALL BE VERIFIED IN A STATEMENT SIGNED BY THAT PERSON AND SHALL CONTAIN OR BE ACCOMPANIED BY A WRITTEN DECLARATION THAT SUCH VERIFICATION IS MADE UNDER THE PENALTIES OF PERJURY IN THE SECOND DEGREE, AS DEFINED IN SECTION 18-8-503, C.R.S.

(6) (a) A REGISTERED PROFESSIONAL LOBBYIST SHALL NOTIFY THE SECRETARY OF STATE IN WRITING WITHIN FIVE WORKING DAYS OF AN ORAL OR WRITTEN AGREEMENT TO ENGAGE IN LOBBYING FOR ANY PERSON NOT DISCLOSED IN THE REGISTRATION STATEMENT FILED PURSUANT TO SECTION 24-6-303 (1).

(b) A REGISTERED PROFESSIONAL LOBBYIST WHO PROVIDES THE NOTIFICATION

UNDER PARAGRAPH (a) OF THIS SUBSECTION (6) SHALL FILE, CONCURRENTLY WITH THE NEXT DISCLOSURE STATEMENT DUE AFTER SUCH NOTIFICATION, A SIGNED WRITTEN STATEMENT THAT CONTAINS:

(I) THE NAME AND ADDRESS OF THE PERSON DESCRIBED IN SUCH NOTIFICATION;

(II) A SUMMARY OF THE TERMS RELATED TO LOBBYING UNDER THE AGREEMENT BETWEEN SUCH PERSON AND THE REGISTERED PROFESSIONAL LOBBYIST;

(III) AN ESTIMATE OF THE GROSS INCOME FOR LOBBYING THAT WILL BE RECEIVED BY THE REGISTERED PROFESSIONAL LOBBYIST FROM SUCH PERSON DURING THE CALENDAR YEAR IN WHICH THE WRITTEN STATEMENT IS FILED.

(7) IN ADDITION TO THE CRIMINAL PENALTY PROVIDED FOR IN SECTION 24-6-309 (1), THE SECRETARY OF STATE, AFTER PROPER NOTIFICATION BY CERTIFIED MAIL, SHALL IMPOSE AN ADDITIONAL PENALTY OF TEN DOLLARS PER DAY FOR EACH DAY THAT A DISCLOSURE STATEMENT REQUIRED TO BE FILED BY THIS SECTION IS NOT FILED BY THE CLOSE OF THE BUSINESS DAY ON THE DAY DUE; EXCEPT THAT THE SECRETARY OF STATE MAY EXCUSE SUCH PENALTY FOR BONA FIDE PERSONAL EMERGENCIES. REVENUES COLLECTED FROM PENALTIES ASSESSED BY THE SECRETARY OF STATE SHALL BE DEPOSITED IN THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3).

SECTION 3. 24-6-303 (1) (d), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-6-303. Registration as professional lobbyist - filing of disclosure statements - certificate of registration. (1) Any professional lobbyist, before engaging in lobbying, shall register with the secretary of state and file a written registration statement which shall contain:

(d) The name, address, and telephone number of any person by whom ~~he~~ THE PROFESSIONAL LOBBYIST OR FIRM ORGANIZED FOR PROFESSIONAL LOBBYING is paid or is to be paid for such lobbying and AN ESTIMATE OF THE GROSS INCOME FOR LOBBYING TO BE RECEIVED FROM SUCH PERSON FOR THE ENSUING CALENDAR YEAR.

SECTION 4. 24-6-304 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-6-304. Records - preservation - public inspection. (2) Any statement required by this part 3 to be filed with the secretary of state shall be preserved by the secretary of state for a period of five years after the date of filing, shall constitute part of the public records of that office, and shall be open and readily accessible for public inspection. THE SECRETARY OF STATE SHALL IMPLEMENT A COMPUTER INFORMATION SYSTEM THAT WILL ALLOW COMPUTER USERS TO CROSS-REFERENCE AND REVIEW, USING THE NAME OF A REGISTERED PROFESSIONAL LOBBYIST OR ANY OTHER PERSON, ANY DISCLOSURE STATEMENT OR OTHER WRITTEN STATEMENT FILED PURSUANT TO SECTION 24-6-302 AND REGISTRATION STATEMENT FILED PURSUANT TO SECTION 24-6-303 ON WHICH THE NAME OF SUCH LOBBYIST OR OTHER PERSON APPEARS.

SECTION 5. 24-6-305 (2) (a), Colorado Revised Statutes, 1988 Repl. Vol., is

amended to read:

24-6-305. Powers of the secretary of state - granting and revoking of certificates - barring from registration. (2) In addition to any other powers conferred by this section, the secretary of state may:

(a) Revoke, or suspend for a maximum period of one year, or bar from registration for a maximum period of one year or the remainder of the legislative biennium, whichever is longer, the certificate of registration required by section 24-6-303 for failure to file the reports required by section 24-6-303 or to provide the information required by section 24-6-304.5; but no certificate may be revoked or suspended within ~~ninety days~~ THIRTY DAYS after the failure to file such a report if, prior to the last day for filing such reports, the secretary of state has been informed in writing of extenuating circumstances justifying such failure. Any revocation or suspension of a certificate of registration or bar from registration shall be in accordance with the provisions of article 4 of this title.

SECTION 6. Effective date. This act shall take effect January 1, 1997.

Approved: May 23, 1996

Editor's note: This act was passed without a safety clause. Section 6 of the act establishes an effective date of January 1, 1997. It will take effect on that date unless a referendum petition is filed pursuant to section 1 (3) of the state constitution. In that event, the act will take effect on the date of the official proclamation of the governor or January 1, 1997, whichever is later, if it is approved by the voters at the 1996 election.