

CHAPTER 141

GOVERNMENT - STATE

SENATE BILL 04-157

BY SENATOR(S) Andrews, Arnold, Chlouber, and May R.;
also REPRESENTATIVE(S) Spradley, Frangas, and Marshall.

AN ACT

CONCERNING THE EXCLUSION FROM LOBBYING OF PERSONS WHO LIMIT THEIR ACTIVITIES TO PROVIDING FORMAL TESTIMONY.

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

SECTION 1. 24-6-301 (3.5) (d), Colorado Revised Statutes, is amended to read:

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

(3.5) (d) (I) "Lobbying" does not include communications by a person who appears before a committee of the general assembly or a rule-making board or commission solely as a result of an affirmative vote by the committee, board, or commission issuing a mandatory order or subpoena commanding that ~~he~~ THE PERSON appear and testify, or making such a person a respondent in such a proceeding whether or not ~~he~~ THE PERSON is reimbursed by the committee, board, or commission for ~~his~~ expenses incurred in making such appearance.

~~(II) Subject to the provisions of subparagraph (I) of this paragraph (d), "Lobbying" includes such communications by any person who makes more than three such appearances before any committee, board, or commission in a calendar year. "Appearance", for the purpose of this paragraph (d), means the testimony given before a committee, board, or commission on a single issue, rule, rate, or bill, regardless of the actual number of physical appearances necessary to present the testimony.~~

(III) (A) **Legislative declaration.** THE GENERAL ASSEMBLY HEREBY DECLARES ITS SUPPORT OF THE "COLORADO SUNSHINE ACT OF 1972" AND THE OPEN PROCESS THAT IT HAS BROUGHT TO THE LEGISLATIVE PROCESS IN COLORADO. THE GENERAL

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

ASSEMBLY'S INTENT IN ENACTING THIS SUBPARAGRAPH (III) IS TO ACHIEVE A MORE UNIFORM APPLICATION OF THE LOBBYING LAWS TO WITNESS TESTIMONY AND TO CLARIFY THE ABILITY OF THE PUBLIC TO PROVIDE TESTIMONY TO THE GENERAL ASSEMBLY AND TO STATE AGENCIES.

(B) "LOBBYING" EXCLUDES PERSONS WHO ARE NOT OTHERWISE REGISTERED AS LOBBYISTS AND WHO LIMIT THEIR ACTIVITIES TO APPEARANCES TO GIVE TESTIMONY OR PROVIDE INFORMATION TO COMMITTEES OF THE GENERAL ASSEMBLY OR AT PUBLIC HEARINGS OF STATE AGENCIES OR WHO GIVE TESTIMONY OR PROVIDE INFORMATION AT THE REQUEST OF PUBLIC OFFICIALS OR EMPLOYEES AND WHO CLEARLY IDENTIFY THEMSELVES AND THE INTEREST FOR WHOM THEY ARE TESTIFYING OR PROVIDING INFORMATION.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 13, 2004