

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0499.01 Bob Lackner x4350

HOUSE BILL 19-1079

HOUSE SPONSORSHIP

Williams D., Baisley, Lewis, Sandridge, Buck, Geitner, Soper, Humphrey, Neville, Saine

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING RESTRICTIONS ON LOBBYING ACTIVITIES ON BEHALF OF**
102 **CERTAIN AGENCIES OF STATE GOVERNMENT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill prohibits a state agency from expending any public funds to undertake, on behalf of the agency, lobbying of the general assembly, any of the staff agencies of the general assembly, or any member of the general assembly. The bill also prohibits the agency from contracting with any lobbying firm or any other private organization or entity that provides lobbying services for the purpose of lobbying on its behalf the general

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

assembly, any of the staff agencies of the general assembly, or any member of the general assembly.

The bill defines "state agency" to mean every executive department, board, commission, committee, bureau, and office of state government including the departments of state, law, and treasury; the office of the governor; the office of the lieutenant governor; and the judicial branch of state government.

The bill also permits a state agency to employ a legislative liaison on its behalf but prohibits the legislative liaison from undertaking any lobbying on behalf of the agency. In connection with the consideration of any official matter before state government, the bill specifies that a legislative liaison employed by an agency is not undertaking lobbying on behalf of the agency as long as a liaison restricts his or her personal activities to giving testimony or providing information in various settings, the liaison clearly identifies himself or herself and the agency for which the liaison is testifying or providing information, and the liaison does not express his or her personal support of or opposition to any such matter or the agency's position with respect to any such matter.

The bill permits an elected public official to express his or her personal opinion in support of or in opposition to any matter before the government of the state.

The bill makes conforming amendments to the existing statutory provision authorizing executive departments to designate one person to lobby on behalf of the department.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-6-303.7 as
3 follows:

4 **24-6-303.7. Restrictions on lobbying on behalf of state agencies**

5 **- short title - definition.** (1) THE SHORT TITLE OF THIS SECTION IS THE
6 "END TAXPAYER-FUNDED LOBBYING ACT".

7 (2) AS USED IN THE SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES, "STATE AGENCY" MEANS EVERY EXECUTIVE DEPARTMENT,
9 BOARD, COMMISSION, COMMITTEE, BUREAU, AND OFFICE OF STATE
10 GOVERNMENT INCLUDING THE DEPARTMENTS OF STATE, LAW, AND
11 TREASURY; THE OFFICE OF THE GOVERNOR; THE OFFICE OF THE

1 LIEUTENANT GOVERNOR; AND THE JUDICIAL BRANCH OF STATE
2 GOVERNMENT.

3 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A STATE
4 AGENCY SHALL NOT EXPEND ANY PUBLIC FUNDS TO UNDERTAKE, ON
5 BEHALF OF THE AGENCY, LOBBYING OF THE GENERAL ASSEMBLY, ANY OF
6 THE STAFF AGENCIES OF THE GENERAL ASSEMBLY, OR ANY MEMBER OF THE
7 GENERAL ASSEMBLY, NOR SHALL THE AGENCY CONTRACT WITH ANY
8 LOBBYING FIRM OR ANY OTHER PRIVATE ORGANIZATION OR ENTITY THAT
9 PROVIDES LOBBYING SERVICES FOR THE PURPOSE OF LOBBYING ON ITS
10 BEHALF THE GENERAL ASSEMBLY, ANY OF THE STAFF AGENCIES OF THE
11 GENERAL ASSEMBLY, OR ANY MEMBER OF THE GENERAL ASSEMBLY.

12 (4) ON OR AFTER JULY 1, 2019, A STATE AGENCY MAY EMPLOY A
13 LEGISLATIVE LIAISON ON ITS BEHALF, BUT THE LIAISON SHALL NOT
14 UNDERTAKE ANY LOBBYING ON BEHALF OF THE AGENCY. IN CONNECTION
15 WITH THE CONSIDERATION OF ANY MATTER DESCRIBED IN SECTION
16 24-6-301 (3.5)(a), A LEGISLATIVE LIAISON EMPLOYED BY AN AGENCY IS
17 NOT UNDERTAKING LOBBYING ON BEHALF OF THE AGENCY AS LONG AS A
18 LIAISON RESTRICTS HIS OR HER PERSONAL ACTIVITIES TO GIVING
19 TESTIMONY OR PROVIDING INFORMATION TO MEMBERS OR COMMITTEES OF
20 THE GENERAL ASSEMBLY, OR AT A PUBLIC HEARING OF A STATE AGENCY,
21 OR GIVING TESTIMONY OR PROVIDING INFORMATION AT THE REQUEST OF
22 PUBLIC OFFICIALS OR EMPLOYEES, THE LIAISON CLEARLY IDENTIFIES
23 HIMSELF OR HERSELF AND THE AGENCY FOR WHICH THE LIAISON IS
24 TESTIFYING OR PROVIDING INFORMATION, AND THE LIAISON DOES NOT
25 EXPRESS HIS OR HER PERSONAL SUPPORT OF OR OPPOSITION TO ANY SUCH
26 MATTER OR THE AGENCY'S POSITION WITH RESPECT TO ANY SUCH MATTER.

27 (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO RESTRICT

1 AN ELECTED PUBLIC OFFICIAL FROM EXPRESSING HIS OR HER PERSONAL
2 OPINION IN SUPPORT OF OR IN OPPOSITION TO ANY MATTER DESCRIBED IN
3 SECTION 24-6-301 (3.5)(a).

4 **SECTION 2.** In Colorado Revised Statutes, 24-6-303.5, **amend**
5 (1)(a), (2)(a) introductory portion, and (2)(a)(III) as follows:

6 **24-6-303.5. Lobbying on behalf of institutions of higher**
7 **education.** (1) (a) ~~Each principal department of state government, as~~
8 ~~defined in section 24-1-110, shall designate one person who shall be~~
9 ~~responsible for any lobbying of the type defined in section 24-6-301~~
10 ~~(3.5)(a)(I) or (3.5)(a)(III) by a state official or employee on behalf of said~~
11 ~~principal department. All designated persons from the principal~~
12 ~~departments, as well as~~ Any person lobbying, as defined in section
13 24-6-301 (3.5)(a)(I) or (3.5)(a)(III), on behalf of an institution or
14 governing board of higher education, shall register with the secretary of
15 state by filing a written statement on or before January 15 of each year.
16 Such registration statement shall be on a form prescribed by the secretary
17 of state and shall include the following:

18 ~~(I) The designated person's full legal name principal department~~
19 ~~AND address OF THE PERSON LOBBYING ON BEHALF OF THE INSTITUTION OF~~
20 ~~HIGHER EDUCATION and HIS OR HER business telephone number.~~

21 ~~(II) The name of any state official or employee who is lobbying~~
22 ~~on behalf of the principal department, the name of such person's division~~
23 ~~or unit within the principal department, his classification or job title, and~~
24 ~~the address and telephone number of his division or unit.~~

25 (2) (a) In addition to the registration statement filed pursuant to
26 subsection (1) of this section, ~~the designated person, and~~ any person
27 lobbying on behalf of an institution or governing board of higher

1 education, shall file, monthly, a disclosure statement with the secretary of
2 state in accordance with this subsection (2). The secretary of state shall
3 prescribe the form for such disclosure statement, which shall include:

4 (III) An estimate of the time spent on lobbying or preparation
5 thereof by any ~~state official or employee named in the registration~~
6 ~~statement or any other~~ employee of the ~~principal department~~ INSTITUTION
7 OF HIGHER EDUCATION.

8 **SECTION 3. Effective date.** This act takes effect July 1, 2019.

9 **SECTION 4. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, and safety.