

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0347.01 Bob Lackner

**SENATE BILL 10-087**

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**SENATE SPONSORSHIP**

**Steadman,**

**HOUSE SPONSORSHIP**

**Liston,**

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**Senate Committees**

State, Veterans & Military Affairs  
Appropriations

**House Committees**

State, Veterans, & Military Affairs  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING THE AUTHORITY OF THE SECRETARY OF STATE IN**  
102 **CONNECTION WITH THE REGULATION OF LOBBYISTS, AND**  
103 **MAKING AN APPROPRIATION THEREFOR.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill makes the following changes related to the regulation of lobbyists by the secretary of state (secretary):

! **Section 1** of the bill orients the registration of lobbyists around a fiscal year that commences on July 1 of a calendar

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

SENATE  
3rd Reading Unamended  
March 16, 2010

SENATE  
Amended 2nd Reading  
March 15, 2010

year and concludes on June 30 of the following calendar year instead of around a calendar year as under existing law.

- ! **Section 2** of the bill extends the obligation to file disclosure statements with the secretary to include volunteer as well as professional lobbyists as under current law. Among other things, the disclosure statement enumerates expenditures by the lobbyist for gifts or entertainment purposes for public officials. This section of the bill also specifies when volunteer lobbyists are to file disclosure statements.
- ! Currently, the secretary imposes a fine of \$10 per day for each day after the deadline for filing a disclosure statement that a lobbyist fails to file the statement. **Section 2** of the bill maintains the \$10 fine for the first 10 business days on which the disclosure statement has not been filed after the day due. For failure to file a disclosure statement by the close of the 11th business day on which the disclosure statement has not been filed after the day due, in addition to the existing criminal penalty, section 2 requires the secretary to impose an additional penalty of \$100 for each day thereafter that a disclosure statement is not filed by the close of the business day. Section 2 also clarifies that the secretary may excuse the payment of any such penalty, or reduce the amount of any penalty imposed, for bona fide personal emergencies.
- ! **Section 3** of the bill requires volunteer lobbyists to register with the secretary in the same manner as professional lobbyists but exempts volunteer lobbyists from paying a registration fee. Section 3 also sets the fee for professional lobbyists at a level that will offset, in part, the costs of requiring the registration of volunteer lobbyists.
- ! **Section 6** of the bill requires the secretary to revoke the certificate of registration of any individual whose lobbying privileges before the general assembly have been suspended following action on a written complaint against the person in accordance with the general assembly's rules on lobbying practices.
- ! In the case of misconduct by an individual culminating in the revocation of a certificate of registration, **section 7** of the bill requires the secretary to additionally indicate the revocation of the individual's certificate of registration on the web site maintained by the secretary and requires the secretary to send written notice of the revocation by United States mail to each person for whom the individual lobbies

as shown on the individual's registration statement. In the case of misconduct by an individual culminating in a resolution of censure that has been adopted by the general assembly in accordance with its rules on lobbying practices, section 7 also requires the secretary to send a copy of the resolution by United States mail to each person for whom the individual lobbies as shown on the individual's registration statement. This section of the bill also grants the secretary authority to revoke or suspend the registration of a lobbyist for failure of the lobbyist to pay any penalty fines.

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

2           **SECTION 1.** 24-6-301 (1.9) (a) (I), (1.9) (a) (III), (1.9) (a) (IV),  
3 (1.9) (a) (VIII), (1.9) (b) (II), and (3.5) (b) (I), Colorado Revised Statutes,  
4 are amended, and the said 24-6-301 is further amended BY THE  
5 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

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

8           (1.9) (a) "Disclosure statement" means a written statement that  
9 contains:

10           (I) The name and address of each person who has made a  
11 contribution totaling one hundred dollars or more to or for the disclosing  
12 person for lobbying during the ~~calendar~~ FISCAL year, together with the  
13 amount thereof;

14           (III) The total sum of all contributions made to or for the  
15 disclosing person for lobbying since the last disclosure statement and  
16 during the ~~calendar~~ FISCAL year;

17           (IV) The name of any covered official to or for whom  
18 expenditures of fifty dollars or more have been made by or on behalf of  
19 the disclosing person for gift or entertainment purposes in connection

1 with lobbying or for whom an expenditure was made by or on behalf of  
2 the disclosing person for a gift of a meal at a fund-raising event of a  
3 political party described in section 1-45-105.5 (1) (c) (IV), C.R.S., during  
4 either the first six months or the second six months of a ~~calendar~~ FISCAL  
5 year and the amount, date, and principal purpose of the gift or  
6 entertainment, if the covered official or a member of his or her family  
7 actually received such gift or entertainment, but expenditures of one  
8 dollar or less shall be reported under subparagraph (V) of this paragraph  
9 (a). All amounts spent by a professional lobbyist on a covered official for  
10 which the lobbyist is reimbursed, or the source of which is a contribution,  
11 shall be deemed to be for gift or entertainment purposes.

12 (VIII) The total sum of all expenditures made by or on behalf of  
13 the disclosing person in connection with lobbying since the last disclosure  
14 statement and during the ~~calendar~~ FISCAL year;

15 (b) The secretary of state shall prescribe a form for disclosure  
16 statements, which shall contain:

17 (II) A statement, which the disclosing person may adopt, if true,  
18 that no unreported contributions for lobbying are receivable and that no  
19 unreported expenditures for lobbying will be made during the remainder  
20 of the ~~calendar~~ FISCAL year;


21 (2.3) "FISCAL YEAR" MEANS THE PERIOD COMMENCING JULY 1 OF  
22 A CALENDAR YEAR AND CONCLUDING JUNE 30 OF THE FOLLOWING  
23 CALENDAR YEAR.

24 (3.5) (b) Subject to the exclusions and provisions of this  
25 paragraph (b), for the purpose of determining when contributions and  
26 expenditures become reportable in disclosure statements, "lobbying"  
27 includes activities undertaken by the person engaging in lobbying and

1 persons acting at his request to prepare for lobbying which in fact  
2 ultimately occurs, provided:

3 (I) No such reports shall be required for activities occurring prior  
4 to the preceding ~~calendar~~ FISCAL year;

5 (3.7) "LOBBYIST" MEANS EITHER A PROFESSIONAL OR A  
6 VOLUNTEER LOBBYIST.

7   
8 **SECTION 2.** 24-6-302 (2), (2.5), (3), (4), and (5), the  
9 introductory portions to 24-6-302 (6) (a) and (6) (b), and 24-6-302 (6) (b)  
10 (II) and (7), Colorado Revised Statutes, are amended to read:

11 **24-6-302. Disclosure statements - required.** (2) Any person  
12 who makes expenditures for gifts or entertainment purposes for the  
13 benefit of covered officials in the aggregate amount of two hundred  
14 dollars in a ~~calendar~~ FISCAL year shall file disclosure statements with the  
15 secretary of state in accordance with this section. Such disclosure  
16 statements shall not include actual and reasonable expenses incurred for  
17 personal needs, such as meals, travel, lodging, and parking.

18 (2.5) (a) A registered professional lobbyist and any firm organized  
19 for professional lobbying purposes that employs such lobbyist shall file  
20 disclosure statements in accordance with this section. Such a disclosure  
21 statement, in lieu of the contributions described in section 24-6-301 (1.9)  
22 (a) (I), (1.9) (a) (II), and (1.9) (a) (III), shall contain the gross income for  
23 lobbying since the prior month's disclosure statement and the name and  
24 address of any person from whom gross income for lobbying is received  
25 totaling one hundred dollars or more.

26 (b) No disclosure statement shall be required of a person who is  
27 described in a disclosure statement of a ~~registered~~ professional lobbyist

1 pursuant to paragraph (a) of this subsection (2.5).

2 (c) Nothing in this subsection (2.5) shall be construed to require  
3 a professional lobbyist or a firm organized for professional lobbying  
4 purposes that is engaged in lobbying for a trade association, public  
5 interest group, or governmental organization to include in the disclosure  
6 statement of such lobbyist or firm any dues, assessments, or fees collected  
7 by such association, group, or organization for lobbying purposes.

8 (3) (a) ~~Disclosure statements~~ A DISCLOSURE STATEMENT shall be  
9 filed within fifteen days after the end of the first calendar month in which  
10 any contribution or gross income for lobbying is received or any  
11 expenditure is made or incurred for lobbying and shall be filed within  
12 fifteen days after the end of each subsequent month during the ~~calendar~~  
13 FISCAL year.

14 ~~\_\_\_\_\_~~  
15 (b) A cumulative disclosure statement for the entire ~~state~~ fiscal  
16 year shall be filed BY A PROFESSIONAL LOBBYIST OR A FIRM ORGANIZED  
17 FOR PROFESSIONAL LOBBYING PURPOSES on or before July 15 covering the  
18 ~~period from the previous July 1 through the subsequent June 30~~ FISCAL  
19 YEAR immediately preceding the date on which the cumulative disclosure  
20 statement is due. Such disclosure statement shall contain the name of and  
21 total gross income for lobbying received from each person for the  
22 previous ~~state~~ fiscal year. If a firm organized for professional lobbying  
23 purposes subcontracts lobbying business to another such firm or  
24 PROFESSIONAL lobbyist, or if a ~~registered~~ professional lobbyist  
25 subcontracts lobbying business to another such firm or lobbyist, only the  
26 firm or PROFESSIONAL lobbyist that receives the business on a subcontract  
27 shall report the information required to be disclosed pursuant to this

1 subsection (3). The firm or PROFESSIONAL lobbyist that subcontracted the  
2 business to another firm or PROFESSIONAL lobbyist shall describe in an  
3 addendum or supplement to the report required to be filed pursuant to the  
4 provisions of this subsection (3) the total gross income received from  
5 lobbying that is being contemporaneously reported by another firm or  
6 PROFESSIONAL lobbyist.

7 (4) If a person adopts the statement set out in section 24-6-301  
8 (1.9) (b) (II), he OR SHE shall at the same time file a cumulative disclosure  
9 statement for the ~~calendar~~ FISCAL year to date and thereafter shall not  
10 have to file monthly disclosure statements unless he OR SHE subsequently  
11 becomes required to do so by virtue of subsection (3) of this section.

12 (5) This section shall not apply to any political committee,  
13 volunteer lobbyist, citizen who lobbies on his OR HER own behalf, state  
14 official or employee acting in his OR HER official capacity, except as  
15 provided in section 24-6-303.5, or elected public official acting in his OR  
16 HER official capacity.

17 (6) (a) During the period that the general assembly is not in  
18 session, a ~~registered~~ professional lobbyist shall notify the secretary of  
19 state in writing within five working days after an oral or written  
20 agreement to engage in lobbying for any person not disclosed in the  
21 registration statement filed pursuant to section 24-6-303 (1). During the  
22 period that the general assembly is in session, a ~~registered~~ professional  
23 lobbyist shall notify the secretary of state after an agreement to engage in  
24 lobbying for any person not disclosed in the registration statement filed  
25 pursuant to section 24-6-303 (1), either by means of the electronic filing  
26 system created in section 24-6-303 (6.3) or by facsimile transmission in  
27 accordance with the following:

1 (b) A ~~registered~~ professional lobbyist who provides the  
2 notification under paragraph (a) of this subsection (6) shall file,  
3 concurrently with the next disclosure statement due after such  
4 notification, a signed written statement that contains:

5 (II) A summary of the terms related to lobbying under the  
6 agreement between such person and the ~~registered~~ professional lobbyist.

7 (7) In addition to the criminal penalty provided for in section  
8 24-6-309 (1), the secretary of state, after proper notification by certified  
9 mail, shall impose an additional penalty of ~~ten~~ TWENTY dollars per day for  
10 each BUSINESS day that a disclosure statement required to be filed by this  
11 section is not filed by the close of the business day on the day due ~~except~~  
12 ~~that~~ UP TO AND INCLUDING THE FIRST TEN BUSINESS DAYS ON WHICH THE  
13 DISCLOSURE STATEMENT HAS NOT BEEN FILED AFTER THE DAY DUE. FOR  
14 FAILURE TO FILE A DISCLOSURE STATEMENT REQUIRED TO BE FILED BY THIS  
15 SECTION BY THE CLOSE OF THE ELEVENTH BUSINESS DAY ON WHICH THE  
16 DISCLOSURE STATEMENT HAS NOT BEEN FILED AFTER THE DAY DUE, IN  
17 ADDITION TO THE CRIMINAL PENALTY PROVIDED FOR IN SECTION 24-6-309  
18 (1), THE SECRETARY OF STATE SHALL IMPOSE AN ADDITIONAL PENALTY OF  
19 FIFTY DOLLARS FOR EACH DAY THEREAFTER THAT A DISCLOSURE  
20 STATEMENT REQUIRED TO BE FILED BY THIS SECTION IS NOT FILED BY THE  
21 CLOSE OF THE BUSINESS DAY. The secretary of state may excuse ~~such~~ THE  
22 PAYMENT OF ANY penalty IMPOSED BY THIS SUBSECTION (7), OR REDUCE  
23 THE AMOUNT OF ANY PENALTY IMPOSED, for bona fide personal  
24 emergencies. Revenues collected from penalties assessed by the secretary  
25 of state shall be deposited in the department of state cash fund created in  
26 section 24-21-104 (3).

27 **SECTION 3.** 24-6-303 (1), (1.3) (a), (2), (3), (5),



1 and (6), Colorado Revised Statutes, are amended, and the said 24-6-303  
2 is further amended BY THE ADDITION OF A NEW SUBSECTION, to  
3 read:

4 **24-6-303. Registration as professional or volunteer lobbyist -**  
5 **filing of disclosure statements - certificate of registration - legislative**

6 **declaration.** (1) Any professional lobbyist, before engaging in lobbying,  
7 shall register with the secretary of state ~~pay a fee in accordance with the~~  
8 ~~requirements of subsection (1.3) of this section~~ and file a written or  
9 electronic registration statement that shall contain:

10 (a) His OR HER full legal name, business address, and business  
11 telephone number;

12 (b) The name, address, and telephone number of any person by  
13 whom he OR SHE is employed;

14 (c) The name, address, and telephone number of any person for  
15 whom he OR SHE will be lobbying; and

16 (d) The name, address, and telephone number of any person by  
17 whom the professional lobbyist or firm organized for professional  
18 lobbying is paid or is to be paid for such lobbying.

19 (1.3) (a) At the time a professional lobbyist files a registration  
20 statement in accordance with subsection (1) of this section prior to  
21 engaging in lobbying, and each time such lobbyist files an updated  
22 registration statement in accordance with subsection (1.5) of this section,  
23 such individual shall pay a registration fee ~~not to exceed fifty dollars.~~  
24 ~~The actual fee to be charged~~ IN AN AMOUNT THAT shall be set by the  
25 secretary of state by rule promulgated in accordance with article 4 of this  
26 title and shall be set at a level that offsets the costs to the secretary of state  
27 of providing electronic access to information pursuant to section 24-6-304

1 (2), and in processing and maintaining the disclosure information required  
2 by this part 3, AND FOR INCLUDING IN THE ON-LINE LOBBYIST DIRECTORY  
3 MAINTAINED BY THE SECRETARY PURSUANT TO SECTION 24-6-304 (2)  
4 INFORMATION CONCERNING VOLUNTEER LOBBYISTS WHO HAVE  
5 REGISTERED WITH THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES  
6 AND WHOSE REGISTRATION INFORMATION HAS BEEN TRANSMITTED BY THE  
7 CHIEF CLERK TO THE SECRETARY IN ACCORDANCE WITH THE PROVISIONS  
8 OF SUBSECTION (7) OF THIS SECTION. The secretary of state shall charge  
9 a reduced fee to a professional lobbyist that files his or her registration  
10 statement pursuant to paragraph (b) of subsection (6.3) of this section.  
11 The secretary of state may waive the fee of a ~~registered~~ professional  
12 lobbyist for a not-for-profit organization who derives his or her  
13 compensation solely from the organization. A volunteer lobbyist as  
14 defined in section ~~24-6-301 (7)~~ shall be exempt from the requirement to  
15 pay the registration fee mandated by this paragraph (a).

16 [REDACTED]  
17 (2) A ~~registered~~ professional lobbyist shall file disclosure  
18 statements as required by section 24-6-302.

19 (3) Consistent with the requirements of subsection (6.3) of this  
20 section, a hard copy of all registration statements and disclosure  
21 statements of professional lobbyists AND FIRMS ORGANIZED FOR LOBBYING  
22 PURPOSES shall be compiled by the secretary of state within thirty days  
23 after the end of the calendar month for which such information is filed  
24 and shall be organized alphabetically according to the names of the  
25 ~~professional~~ lobbyists AND FIRMS.

26 [REDACTED]  
27 (5) An individual shall not be considered a ~~professional~~ lobbyist

1 solely because of his OR HER appearance as a witness in rule, standard, or  
2 rate-making proceedings.

3 (6) This section shall not apply to any political committee,  
4 volunteer lobbyist, EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS  
5 SECTION, citizen who lobbies on his OR HER own behalf, state official or  
6 employee acting in his OR HER official capacity, except as provided in  
7 section 24-6-303.5, or elected public official acting in his OR HER official  
8 capacity.

9 [REDACTED]

10 (7) COMMENCING JULY 10, 2010, AND BY THE TENTH DAY OF EACH  
11 MONTH THEREAFTER, THE CHIEF CLERK OF THE HOUSE OF  
12 REPRESENTATIVES, OR HIS OR HER DESIGNEE, SHALL TRANSMIT TO THE  
13 SECRETARY OF STATE THE NAME, BUSINESS ADDRESS AND TELEPHONE  
14 NUMBER, HOME ADDRESS AND TELEPHONE NUMBER, AND LOBBYIST GROUP  
15 OR OTHER AFFILIATION, AS APPLICABLE, OF ANY VOLUNTEER LOBBYIST  
16 WHO HAS REGISTERED WITH THE CHIEF CLERK DURING THE PREVIOUS  
17 MONTH IN ACCORDANCE WITH THE PROVISIONS OF RULE 40 (a) OF THE  
18 RULES OF THE HOUSE OF REPRESENTATIVES OR RULE 36 (c) (2) OF THE  
19 JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES. THE  
20 SECRETARY OF STATE SHALL THEREUPON INCLUDE THE NAME AND  
21 ACCOMPANYING INFORMATION OF ANY SUCH REGISTERED VOLUNTEER  
22 LOBBYIST, ALONG WITH AN APPROPRIATE NOTATION IDENTIFYING THE  
23 PERSON AS A VOLUNTEER LOBBYIST, IN THE ON-LINE LOBBYIST DIRECTORY  
24 MAINTAINED BY THE SECRETARY PURSUANT TO SECTION 24-6-304 (2) AND  
25 PREVIOUSLY LIMITED, PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION  
26 (7), TO REGISTERED PROFESSIONAL LOBBYISTS.


27 **SECTION 4.** The introductory portion to 24-6-303.5 (1) (a) and

1 24-6-303.5 (2) (b), Colorado Revised Statutes, are amended to read:

2 **24-6-303.5. Lobbying by state officials and employees.**

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

14 (2) (b) Disclosure statements shall be filed within fifteen days  
15 after the end of the first calendar month and shall be filed within fifteen  
16 days after the end of each subsequent month during the ~~calendar~~ FISCAL  
17 year.

18   
19 **SECTION 5.** 24-6-304 (2) (a) and (2) (b) (II), Colorado Revised  
20 Statutes, are amended to read:

21 **24-6-304. Records - preservation - public inspection -**  
22 **electronic access.** (2) (a) Any statement required by this part 3 to be  
23 filed with the secretary of state shall be preserved by the secretary of state  
24 for a period of five years after the date of filing, shall constitute part of  
25 the public records of that office, and shall be open and readily accessible  
26 for public inspection. The secretary of state shall implement a computer  
27 information system that will allow computer users to cross-reference and

1 review, using the name of a registered professional lobbyist or any other  
2 person, any disclosure statement or other written statement filed pursuant  
3 to section 24-6-302 and registration statement filed pursuant to section  
4 24-6-303 on which the name of such lobbyist or other person appears.

5 (b) No later than January 1, 2002, the secretary of state shall  
6 establish, operate, and maintain a web site on the internet, or modify an  
7 existing site, that will allow computer users electronic read-only access  
8 to the information required to be filed by this part 3 free of charge. All  
9 information required to be filed by this part 3 that is filed electronically  
10 shall be made available:

11 (II) In a form that allows a computer user to cross-reference and  
12 review, using the name of a registered professional lobbyist or any other  
13 person, any disclosure statement or other written statement filed pursuant  
14 to section 24-6-302 and registration statement filed pursuant to section  
15 24-6-303 on which the name of such lobbyist or other person appears.

16 **SECTION 6.** 24-6-305 (1), Colorado Revised Statutes, is  
17 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18 **24-6-305. Powers of the secretary of state - granting and**  
19 **revoking of certificates - barring from registration - imposition of**  
20 **fine - notification of substantial violation.** (1) It is the duty and  
21 responsibility of the secretary of state:

22 (e) TO REVOKE THE CERTIFICATE OF REGISTRATION OF ANY  
23 INDIVIDUAL WHOSE LOBBYING PRIVILEGES BEFORE THE GENERAL  
24 ASSEMBLY HAVE BEEN SUSPENDED FOLLOWING ACTION ON A WRITTEN  
25 COMPLAINT AGAINST THE PERSON IN ACCORDANCE WITH THE RULES ON  
26 LOBBYING PRACTICES PROMULGATED BY THE GENERAL ASSEMBLY.

27 **SECTION 7.** 24-6-305 (2), Colorado Revised Statutes, is

1 amended, and the said 24-6-305 is further amended BY THE ADDITION  
2 OF A NEW SUBSECTION, to read:

3 **24-6-305. Powers of the secretary of state - granting and**  
4 **revoking of certificates - barring from registration - imposition of**  
5 **fine - notification of substantial violation.** (1.5) (a) IN THE CASE OF  
6 MISCONDUCT BY AN INDIVIDUAL CULMINATING IN THE REVOCATION OF A  
7 CERTIFICATE OF REGISTRATION IN ACCORDANCE WITH THE PROVISIONS OF  
8 PARAGRAPH (b) OR (e) OF SUBSECTION (1) OF THIS SECTION, THE  
9 SECRETARY OF STATE SHALL ADDITIONALLY INDICATE THE REVOCATION  
10 OF THE INDIVIDUAL'S CERTIFICATE OF REGISTRATION ON THE WEB SITE  
11 MAINTAINED BY THE SECRETARY AND SHALL SEND WRITTEN NOTICE OF  
12 THE REVOCATION BY UNITED STATES MAIL TO EACH PRINCIPAL FOR WHOM  
13 THE INDIVIDUAL LOBBIES AS SHOWN ON THE INDIVIDUAL'S REGISTRATION  
14 STATEMENT FILED PURSUANT TO SECTION 24-6-303 (1).

15 (b) IN THE CASE OF MISCONDUCT BY AN INDIVIDUAL CULMINATING  
16 IN A RESOLUTION OF CENSURE THAT HAS BEEN ADOPTED BY THE GENERAL  
17 ASSEMBLY IN ACCORDANCE WITH ITS RULES ON LOBBYING PRACTICES, THE  
18 SECRETARY OF STATE SHALL SEND A COPY OF THE RESOLUTION BY UNITED  
19 STATES MAIL TO EACH PRINCIPAL FOR WHOM THE INDIVIDUAL LOBBIES AS  
20 SHOWN ON THE INDIVIDUAL'S REGISTRATION STATEMENT FILED PURSUANT  
21 TO SECTION 24-6-303 (1).

22 (2) In addition to any other powers conferred by this section, the  
23 secretary of state may:

24 (a) Revoke, or suspend for a maximum period of one year, or bar  
25 from registration for a maximum period of one year or the remainder of  
26 the legislative biennium, whichever is longer, the certificate of  
27 registration required by section 24-6-303 for failure to file the reports

1 required by section 24-6-303, ~~or to~~ provide the information required by  
2 section 24-6-304.5, OR PAY FULLY ANY PENALTY IMPOSED PURSUANT TO  
3 SECTION 24-6-302 (7); but no certificate may be revoked or suspended  
4 within thirty days after the failure to file such a report if, prior to the last  
5 day for filing such reports, the secretary of state has been informed in  
6 writing of extenuating circumstances justifying such failure. Any  
7 revocation or suspension of a certificate of registration or bar from  
8 registration shall be in accordance with the provisions of article 4 of this  
9 title.

10 (b) Adopt rules and regulations in accordance with the provisions  
11 of article 4 of this title to define, interpret, implement, and enforce the  
12 provisions of this part 3 and to prevent the evasion of the requirements of  
13 this part 3;

14 (c) On his OR HER own motion or on the verified complaint of any  
15 person, investigate the activities of any person who is or who has  
16 allegedly been engaged in lobbying and who may be in violation of the  
17 requirements of this part 3;

18 (d) Apply to the district court of the city and county of Denver for  
19 the issuance of an order requiring any individual who is believed by the  
20 secretary of state to be engaging in lobbying as EITHER a professional OR  
21 VOLUNTEER lobbyist as defined in section 24-6-301 without having  
22 received a certificate of registration as required by the provisions of  
23 section 24-6-303 to produce documentary evidence which is relevant or  
24 material or to give testimony which is relevant or material to the matter  
25 in question.

26 **SECTION 8. 24-6-308, Colorado Revised Statutes, is amended**  
27 **to read:**

1           24-6-308. Prohibited practices. (1) No person may ENGAGED  
2 IN LOBBYING SHALL:

3           (a) Make any agreement under which any consideration is to be  
4 given, transferred, or paid to any person contingent upon the passage or  
5 defeat of any legislation; the making or defeat of any rule, standard, or  
6 rate by any state agency; or the approval or veto of any legislation by the  
7 governor of this state;

8           (b) KNOWINGLY ATTEMPT TO DECEIVE, OR MAKE A FALSE  
9 STATEMENT TO, A COVERED OFFICIAL REGARDING ANY MATERIAL FACT  
10 RELATING TO A MATTER THAT IS WITHIN THE SCOPE OF DUTIES OF THE  
11 COVERED OFFICIAL;

12           (c) CONCEAL FROM A COVERED OFFICIAL THE IDENTITY OF THE  
13 PERSON OR ENTITY FOR WHOM THE LOBBYIST IS LOBBYING;

14           (d) KNOWINGLY USE A FICTITIOUS NAME, OR A REAL NAME  
15 WITHOUT THE CONSENT OF THE PERSON WHOSE NAME IS USED, TO  
16 COMMUNICATE WITH A COVERED OFFICIAL;

17           (e) KNOWINGLY REPRESENT AN INTEREST ADVERSE TO THE  
18 LOBBYIST'S PRINCIPAL WITHOUT FIRST OBTAINING THE CONSENT OF THE  
19 PRINCIPAL AFTER FULL DISCLOSURE BY THE LOBBYIST OF THE ADVERSE  
20 INTEREST;

21           (f) MAKE ANY FORM OF PAYMENT TO A COVERED OFFICIAL AS  
22 COMPENSATION FOR ANY INTEREST IN REAL OR PERSONAL PROPERTY OR  
23 THE PROVISION OF SERVICES IN EXCESS OF THE AMOUNT OF COMPENSATION  
24 THAT WOULD BE PAID BY A PERSON WHO IS NOT A LOBBYIST FOR SUCH  
25 INTEREST OR SERVICES IN THE ORDINARY COURSE OF BUSINESS;

26           (g) MAKE A LOAN TO A COVERED OFFICIAL OR ENGAGE IN ANY  
27 OTHER TRANSACTION WITH A COVERED OFFICIAL WITH THE INTENTION OF



1 MAKING THE COVERED OFFICIAL PERSONALLY OBLIGATED TO THE  
2 LOBBYIST;

3 (h) ATTEMPT TO INFLUENCE THE VOTE OF A COVERED OFFICIAL IN  
4 CONNECTION WITH ANY PENDING MATTER BY THREAT OF A POLITICAL  
5 REPRISAL, INCLUDING WITHOUT LIMITATION THE PROMISE OF FINANCIAL  
6 SUPPORT OF, OR OPPOSITION TO, THE COVERED OFFICIAL'S CANDIDACY AT  
7 ANY FUTURE ELECTION;

8 (i) SEEK TO INFLUENCE A COVERED OFFICIAL BY COMMUNICATING  
9 WITH THE COVERED OFFICIAL'S EMPLOYER;

10 (j) CAUSE TO BE INTRODUCED, OR INFLUENCE THE INTRODUCTION  
11 OF, ANY BILL, RESOLUTION, AMENDMENT, STANDARD, RULE, OR RATE FOR  
12 THE PURPOSE OF AFTERWARDS BEING EMPLOYED TO SECURE ITS PASSAGE  
13 OR DEFEAT;

14 (k) RECEIVE COMPENSATION FOR LOBBYING WHILE SERVING AS A  
15 STATE OFFICER OR EMPLOYEE OF THE STATE CENTRAL COMMITTEE OF A  
16 POLITICAL PARTY;

17 (l) MAKE A CAMPAIGN CONTRIBUTION IN EXCESS OF THE  
18 APPLICABLE LIMITATIONS ESTABLISHED BY LAW OR RULE OR MAKE,  
19 SOLICIT, OR PROMISE TO SOLICIT A CAMPAIGN CONTRIBUTION DURING THE  
20 PERIOD WHEN LOBBYISTS ARE PROHIBITED FROM MAKING SUCH  
21 CONTRIBUTIONS UNDER SECTION 1-45-105.5, C.R.S.;

22 (m) EMPLOY, SUBCONTRACT, OR PAY COMPENSATION TO A PERSON  
23 FOR LOBBYING WHO HAS NOT REGISTERED AS A LOBBYIST; OR

24 (n) ENGAGE IN ANY OTHER PRACTICE THAT DISCREDITS THE  
25 PRACTICE OF LOBBYING OR THE GENERAL ASSEMBLY.

26 (2) ANY PERSON WHO BELIEVES THAT A LOBBYIST HAS COMMITTED  
27 ANY ACT OR OMISSION IN VIOLATION OF THIS SECTION MAY FILE A

1 COMPLAINT WITH THE SECRETARY OF STATE OR ANY MEMBER OF THE  
2 EXECUTIVE COMMITTEE OF THE GENERAL ASSEMBLY IN ACCORDANCE WITH  
3 THE PROCEDURES FOR FILING A COMPLAINT AGAINST A LOBBYIST UNDER  
4 THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.  
5 UPON RECEIPT OF A COMPLAINT, THE SECRETARY OF STATE MAY ACT UPON  
6 ALLEGED VIOLATIONS OF THIS SECTION TO ENFORCE GOVERNING LAWS OR  
7 RULES OR MAY REFER THE MATTER TO THE EXECUTIVE COMMITTEE OF THE  
8 GENERAL ASSEMBLY.

9 **SECTION 9. Appropriation.** In addition to any other  
10 appropriation, there is hereby appropriated, out of any moneys in the  
11 department of state cash fund created in section 24-21-104 (3) (b),  
12 Colorado Revised Statutes, not otherwise appropriated, to the department  
13 of state, for the fiscal year beginning July 1, 2010, the sum of [REDACTED]  
14 thirty-two thousand five hundred sixty dollars (\$32,560) cash funds, or so  
15 much thereof as may be necessary, for the implementation of this act.

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