



HOUSE JOINT RESOLUTION 09-1018

BY REPRESENTATIVE(S) Frangas, Apuan, Benefield, Bradford, Casso, Ferrandino, Gardner B., Gerou, Hullinghorst, Kefalas, Kerr A., Kerr J., King S., Labuda, Marostica, Massey, McFadyen, McKinley, McNulty, Nikkel, Pace, Pommer, Priola, Rice, Riesberg, Ryden, Schafer S., Stephens, Tipton, Todd, Waller; also SENATOR(S) Carroll M.

CONCERNING CITIZENS' FREEDOM OF SPEECH RIGHTS.

WHEREAS, Throughout the year, citizens often contact their legislators or encourage other members of the community to contact their legislators concerning legislation that the General Assembly is considering, and this contact may include posting blogs, sending emails, or placing telephone calls; and

WHEREAS, There has been some concern from these individuals that their activities may be considered lobbying; and

WHEREAS, As defined in section 24-6-301 (6), Colorado Revised Statutes, a "professional lobbyist" is any individual who engages himself or herself or is engaged by any other person for pay or for any consideration for lobbying, but does not include any volunteer lobbyist, any state official or employee acting in an official capacity, except as provided in section 24-6-303.5, Colorado Revised Statutes, any elected public official acting in an official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding; and

WHEREAS, Section 24-6-301 (7), Colorado Revised Statutes, defines a "volunteer lobbyist" as any individual who engages in lobbying and whose only receipt of money or other thing of value consists of nothing more than reimbursement for actual and reasonable expenses incurred for personal needs, such as meals, travel, lodging, and parking, while engaged in lobbying or for actual expenses incurred in informing the organization making the reimbursement or the members thereof of his or her lobbying; and

WHEREAS, There are several constitutional and statutory requirements placed on professional and volunteer lobbyists; and

WHEREAS, The Rules of the General Assembly also contain restrictions and requirements to which professional and volunteer lobbyists must adhere; and

WHEREAS, Both the United States Constitution and the Colorado Constitution contain provisions protecting an individual's freedom of speech; and

WHEREAS, The right of an individual to express his or her opinion about legislation does not give the individual the right to disregard or violate the rules of decorum and standards of conduct of the General Assembly; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-seventh General Assembly of the State of Colorado, the Senate concurring herein:

(1) That we, the members of the General Assembly, do not feel that citizens should be subject to the restrictions and rules placed on professional and volunteer lobbyists;

(2) That we invite members of the public to express their opinions on legislation and to become active in the political process, while following the Rules of the General Assembly and the laws of Colorado and the United States; and

(3) That we declare that citizens should not feel that their freedom of speech rights are in any way subject to the restrictions and rules placed on professional and volunteer lobbyists.

Be It Further Resolved, That copies of this Joint Resolution be sent to the American Civil Liberties Union of Colorado, Isabelle DeSilver, and John Erhardt.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE