



HOUSE JOINT RESOLUTION 01-1005

BY REPRESENTATIVES Dean, Coleman, King, Smith, T. Williams, Crane, Jahn, Larson, Lawrence, Lee, Mace, Miller, Ragsdale, Sinclair, Snook, Spradley, Stafford, Webster, S. Williams, Young;
also SENATORS Anderson, Andrews, Owen, Pascoe, Tate, Arnold, Matsunaka, May, Teck.

CONCERNING CHANGES TO JOINT RULE 36 OF THE RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

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

That Joint Rule No. 36 (b) of the Joint Rules of the Senate and the House of Representatives is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

36. LOBBYING PRACTICES

(b) *Prohibited practices.* No person engaging in lobbying shall:

- (5.5) FILE AGAINST ANOTHER LOBBYIST A COMPLAINT SUBSEQUENTLY FOUND BY THE EXECUTIVE COMMITTEE TO BE FRIVOLOUS.

That Joint Rule No. 36 (c) of the Joint Rules of the Senate and the House of Representatives is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

36. LOBBYING PRACTICES

(c) *Registration - filing of disclosure statements - disclosure of relationship with client.*

- (3) IF THE SECRETARY OF STATE LEARNS OF THE EXISTENCE OF A SUBSTANTIAL VIOLATION OF PART 3 OF ARTICLE 6 OF TITLE 24, C.R.S., BY A PERSON ENGAGED IN LOBBYING, THE SECRETARY OF STATE SHALL PROMPTLY NOTIFY BOTH THE PRESIDENT OF THE SENATE WHO SHALL NOTIFY ALL MEMBERS OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES WHO SHALL NOTIFY ALL MEMBERS OF THE HOUSE OF REPRESENTATIVES. IF SUCH A NOTICE IS RECEIVED AND IF A COMPLAINT PURSUANT TO SUBSECTION (d) OF THIS RULE IS FILED, UPON THE ADOPTION OF A RESOLUTION, EITHER HOUSE MAY RESTRICT THE ACCESS OF THE PERSON IDENTIFIED IN THE NOTICE TO MEMBERS, COMMITTEES, AND OTHER ACTIVITIES OF THAT HOUSE PENDING THE OUTCOME OF THE COMPLAINT.

That Joint Rule No. 36 (d) (1), 36 (d) (2), 36 (d) (4), and 36 (d) (5) of the Joint Rules of the Senate and the House of Representatives are amended to read:

36. LOBBYING PRACTICES

(d) *Violations - complaint.*

- (1) Any person who has knowledge of a violation of any provisions of this Joint Rule may file a written complaint, signed by the complainant and describing the alleged violation, with ~~the President of the Senate and the Speaker of the House of Representatives~~ ANY MEMBER OF THE EXECUTIVE COMMITTEE. The President and the Speaker shall inform the person accused of a violation of the fact that a complaint has been filed, ~~and of the nature of the complaint, However~~ AND the name or names of the person or persons filing the complaint. ~~shall remain confidential.~~ AS SOON AS POSSIBLE AFTER THE COMPLAINT HAS BEEN FILED AND NOTWITHSTANDING THE PROVISIONS OF PART 4 OF ARTICLE 6 OF TITLE 24, THE EXECUTIVE COMMITTEE SHALL MEET IN EXECUTIVE SESSION TO DISCUSS THE COMPLAINT. ~~The President and the Speaker~~ DURING THE EXECUTIVE SESSION, THE EXECUTIVE COMMITTEE may dismiss the complaint. IF THE COMPLAINT IS DISMISSED PRIOR TO THE APPOINTMENT OF A COMMITTEE OF LEGISLATORS, THE COMPLAINT SHALL REMAIN CONFIDENTIAL. IF THE EXECUTIVE COMMITTEE FINDS THAT A COMPLAINT FILED BY A LOBBYIST AGAINST ANOTHER LOBBYIST WAS FRIVOLOUS, THE EXECUTIVE COMMITTEE MAY DIRECT THAT THE PRESIDENT AND SPEAKER INFORM THE ACCUSING LOBBYIST OF THE FINDING AND APPOINT A COMMITTEE OF LEGISLATORS PURSUANT TO PARAGRAPH (2) OF THIS SUBSECTION (d).

- (2) If the complaint is not dismissed, THE EXECUTIVE COMMITTEE MAY DIRECT the President and the Speaker ~~may~~ TO appoint a committee of legislators to interview the parties involved, as well as any other persons who may be able to provide relevant information, and to present to the ~~President and the Speaker~~ EXECUTIVE COMMITTEE such facts and information obtained. Once a committee is appointed, the President and the Speaker shall provide the person who is the subject of the written complaint with a copy of the written complaint. ~~including the name of the complainant.~~

- (4) All proceedings of the committee shall be secret, and the committee shall require an oath of secrecy from all witnesses appearing before them, except on the request of the accused for an open hearing PUBLIC. The accused shall be entitled to be present during the proceedings. The committee members shall not release any information about the conduct of their proceedings or the testimony received until they SUBMIT A report to the President and the Speaker and then only if they recommend that remedial measures be prescribed EXECUTIVE COMMITTEE.
- (5) After receiving the facts and information from the committee and after such facts and information have been provided to the person who is the subject of the written complaint, and after such person has received a reasonable opportunity to be heard by the President and the Speaker, the President and Speaker may dismiss the complaint or may prescribe such remedial measures as they deem appropriate, including, but not limited to, the issuance of a letter of admonition or recommendation of a resolution of censure to be acted upon by the General Assembly. However, such measures may not include suspension of lobbying privileges. Alternatively, the President and the Speaker may refer a complaint, together with the facts and information provided by the committee of legislators, to the Executive Committee of the Legislative Council. the Executive Committee shall act on said complaint at its next meeting or at a special meeting called for that purpose; however, the person who is the subject of the written complaint shall receive a reasonable opportunity to be heard by the Executive Committee and has the right to be present during its deliberations. The Executive Committee may dismiss the complaint or, if it determines that said violation occurred, it may prescribe such remedial measures as it deems appropriate, including, but not limited to, suspension of lobbying privileges before the General Assembly or any of its

committees, or it may issue a letter of admonition or recommend a resolution of censure to be acted upon by the General Assembly. If the Executive Committee of the Legislative Council finds that the issuance of subpoenas is necessary in any such investigation, it may request such power, in accordance with Joint Rule No. 33, from the General Assembly or when the General Assembly is not in session from the entire Legislative Council.

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Stan Matsunaka
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
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