

Ballot Title: An Act to amend Chapters 3 and 63, C.R.S. 1963, as amended, by adding three new articles which require, first, that public officials disclose their private interest; second, that all lobbyists register and file periodic informational statements; and third, that all official state meetings be open to the public.

#### Provisions of the Proposed Statute

The proposal would require public officials to disclose their financial interest, would regulate persons attempting to influence public policy, and would expand existing statutory requirements for conducting government business at open meetings.

Financial Disclosure -- State Officials. The proposal would require elected officials of the state government and judges of courts of record to file with the Attorney General statements of financial interests held by them, their spouses, and their minor children. These statements would be required annually, would be open to public inspection, and would apply to existing officeholders.

Disclosure would be required for: income; names of businesses, insurance policies, and other financial interests; real estate interests, including options to buy; offices, directorships, and fiduciary relationships held; creditors; business enterprises regulated by the state with which the official or spouse is associated; and the names of persons or companies for whom compensated lobbying is done by any person associated with the official. In place of the disclosure statement, an official may file a copy of his federal income tax return and any separate returns filed by his spouse or minor children. Interests not reflected in the returns would have to be disclosed, however.

Regulation of Lobbyists. The proposal provides for the regulation of lobbyists, businesses, organizations, and other persons who either contribute or receive money to influence legislation by the General Assembly, the approval or veto of legislation by the Governor, or the policy-making or rule-making of any board or commission.

A lobbyist would be required to register the following information with the Secretary of State: the names of persons in whose interest he works, length of employment, how much and by whom he is paid, how much he receives for expenses, what is considered an expense, the proportion of his time spent lobbying, and the percentage of his regular pay that supports lobbyist activities.

Each month, and annually, a lobbyist, organization, or person soliciting money to influence legislation would file a list of expenditures made, an account of the total of individual contributions received amounting to less than \$25, and a list of contributors providing \$25 or more. The required filings would contain an explanation of to whom and for what purpose contributions or expenditures

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were made during the preceding calendar quarter; the identity of publications to which expenditures are made for advertisements, articles, or editorials relating to lobbying; and the identity of the measure for whose opposition or support a lobbyist is employed. All statements are to be open to public inspection.

These regulations would not apply to citizens appearing before legislative committees on an uncompensated basis or to state or elected officials acting in their official capacities.

Under the proposal, if a lobbyist or his employer hires a legislator, a legislative or state employee, or a member of a state policy-making or rule-making board or commission, he shall so state under oath to the Secretary of State within 10 days, specifying the nature of employment, the name of the person hired, and the amount of compensation to be paid. Prohibited would be agreements under which compensation to a person is contingent upon the passage or defeat of measures before the Governor, the General Assembly, or a state board or commission.

Open Public Meetings. The proposal provides that all meetings at which either public business is discussed or formal action is adopted shall be open to the public at all times, unless otherwise provided by the Colorado Constitution. The act would apply to meetings held by any governmental policy-making or rule-making body and would include meetings held by legislative committees. Further, meetings could be held only after "full and timely" public notice.

Any resolution, rule, regulation, ordinance, or other formal action would be invalid unless adopted or taken at an open public meeting for which adequate notice is given. The public body's secretary would be required to maintain a list of persons who request notification of meetings and to provide them with advance notice of meetings. Minutes of meetings would be open to public inspection.

Upon a citizen's application, the courts would have jurisdiction to issue injunctions to enforce the open meetings provisions of the law.

### Comments

Currently, there are some measures in effect which require financial reports by state officials. For instance, both houses of the General Assembly require, under legislative rule, limited financial reporting by their members. Agency administrators and their deputies, members of the Governor's staff, and salaried members of boards and commissions of the executive department are required, by executive order, to file financial statements with the Governor. Financial statements are open public records in the House of Representatives, but are considered confidential in the Senate and in the executive branch. Judges are not required to file financial reports, though they may be questioned by judicial nominating com-

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missions on their financial interests at the time they are under consideration for an appointment to a judgeship.

Existing Requirements for Lobbyists. House and Senate rules require a lobbyist to register before he appears before committees of the General Assembly, giving his name, address, the identity of interests he represents, and the bill upon which he wishes to be heard. The House of Representatives publishes a booklet which gives an alphabetical listing of lobbyists, first by name and then by interest. The House also issues identification tags to be worn by registered lobbyists.

Open Public Meetings. The proposal would prohibit closed-door meetings of policy-making or rule-making bodies when public policy is discussed or formal action is taken, except as provided in the Colorado Constitution. Currently, there is an open public meetings law which declares meetings of boards, commissions, committees, or authorities of the state or its political subdivisions supported by public funds to be open to the public at all times, but which permits executive sessions (closed meetings) for consideration of documents or testimony given in confidence. The initiated measure would have the effect of repealing the provision for closed meetings.

### Popular Arguments For

1. State elected officials and judges have a responsibility to keep the public informed as to any possible conflict of interest which they might have between their own private gain and their respective duties of public office.

2. Identification of personal financial interests of state elected officials and judges, further public disclosure of the extent of efforts of special interests to influence state government policy, and added requirements for state policy formation in open meetings only, may provide Colorado's voters with additional insight as to possible factors that influence governmental decision-making.

3. State policy-makers, as well as the general public, need to become better informed as to the scope and extent of efforts of special interest groups to influence state governmental decisions. Also, added safeguards to ensure the formation of policy at open meetings are essential if the public is to understand and respond to governmental decision-making.

4. Any advantages derived from closed meetings may be offset by the damage done to the public trust. Citizens cannot be sure of knowing by whom or for whom decisions are made if they are excluded from governmental meetings.

### Popular Arguments Against

1. There are times when legislative committees or other policy-making bodies need to confer in private to protect innocent people

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from irreparable damage. The present law guarantees this, while the initiated measure would open up all meetings regardless of the consequences.

2. Colorado has had few problems in these three areas and existing provisions are adequate to safeguard the public interest in the future. For example, lobbyists appearing before committees of the legislature and the interests they represent are identified at present, legislators are required to make financial reports under Senate and House rules, and open public meetings are already required by law. Furthermore, the disclosure provision is unfair since it does not apply to elected officials on the local level or to top level appointees who have great influence in public affairs.

3. The General Assembly has devoted considerable effort to the legislative ethics and financial disclosure of members and has come up with reasonable measures which will not only guarantee that conflicts of interests be prevented but will also assure the personal privacy of part-time, citizen legislators.

4. Passage of the disclosure measures may tend to discourage capable people from running for office since the property and financial interests of members of their families would become a matter of public record.

Ballot Title:	An Act to protect the consumer of public utility services by defining just and reasonable rates, by creating an office of public consumer counsel and by requiring the disclosure of certain financial information regarding public utilities.
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### Provisions of the Proposed Statute

This proposal would:

1. Provide for the appointment by the Governor of a Public Utility Consumer Counsel.
2. Place the Consumer Counsel's office under the Public Utilities Commission (PUC).
3. Establish a Consumer Advocacy Fund for the purpose of employing rate design experts, sociologists, economists, and other specialists.
4. Earmark a minimum of about \$66,000 in utility and highway user taxes for the Consumer Advocacy Fund.