

# Office of Legislative Legal Services

## Colorado General Assembly



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## **OLLS Guidelines for Working with Lobbyists<sup>1</sup>**

### **1. Priority of Service**

Because the Office of Legislative Legal Services (OLLS) is a staff agency of the General Assembly, and the OLLS's first priority is the provision of services directly to legislators, the following guideline applies to all staff in the OLLS:

**A staff person in the OLLS should always assist a legislator who is seeking help, either in person or by phone, before assisting a lobbyist, even if the lobbyist is seeking help at the behest of a legislator. If the staff person is already assisting a lobbyist when the legislator asks for help, the lobbyist should be asked to wait while the legislator is being helped, or the lobbyist should be assisted by another staff person. A legislator should not be asked to wait until the staff person is finished assisting a lobbyist.**

### **2. Bill Requests and Amendment Requests**

Section 2-3-505, C.R.S.,<sup>2</sup> requires that a request to draft a bill be submitted by a legislator, either in writing or orally. If a lobbyist makes a bill request on behalf of a legislator, the OLLS will accept the bill request but will not consider the request "submitted by the legislator" until the legislator has notified the OLLS, either in writing or orally, that the legislator will actually sponsor the bill request made by the lobbyist. The OLLS is not required to call a legislator to verify sponsorship on a

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<sup>1</sup> For purposes of these guidelines, "lobbyist" includes a professional lobbyist, as defined in §24-6-301 (6), C.R.S.; a volunteer lobbyist, as defined in §24-6-301 (7), C.R.S.; and state officials and employees registered with the secretary of state who are responsible for lobbying as defined in §24-6-303.5, C.R.S.

<sup>2</sup> **2-3-505. Requests for drafting bills and amendments - confidential nature thereof - lobbying for bills.** (1) All requests made to the office for the drafting of bills or amendments thereto shall be submitted, either in writing or orally, by the legislator or by the governor or the governor's representative making the request, with a general statement respecting the policies and purposes which the person making the request desires the bill or amendment to accomplish. The office shall draft each bill or amendment to conform to the purposes so stated or to supplementary instructions of the person making the original request. (remainder of section omitted)

bill request submitted by a lobbyist; however, the OLLS can verify sponsorship on the bill request if the OLLS speaks to the legislator on some other matter. The lobbyist is responsible for making sure the legislator calls the OLLS and officially "submits" the bill request. The mere acceptance by the OLLS of a bill request from a lobbyist will not suffice to meet bill request deadlines; the legislator must contact the OLLS and verify the request prior to the request deadline.

Like bills, a request to draft an amendment must be submitted by a legislator, either in writing or orally. The OLLS will accept a request for an amendment from a lobbyist on behalf of a legislator only if the lobbyist has the legislator's written or oral authorization to make the amendment request. The legislator's written or oral authorization serves as the legislator's request to draft the amendment. A business card or note with the legislator's authorization and signature is an acceptable form of a written authorization for an amendment.

**Note:** The provisions outlined above for bill requests and amendment requests do not apply when a legislator has made the bill request or amendment request and has authorized the OLLS to work with a specific lobbyist. The provisions are intended to apply in the situation in which a lobbyist is making a bill request or amendment request on behalf of a legislator and the OLLS has had no prior contact, either in writing or orally, with the legislator concerning the request.

### **3. Information Relating to the Drafting of a Bill or the Drafting of an Amendment**

In accordance with section 2-3-505, C.R.S., OLLS staff will rely on information received directly from the bill sponsor or amendment sponsor, either in writing or orally, concerning the specifics relating to drafting a bill or an amendment. OLLS staff may also rely on information concerning a bill or an amendment provided by a lobbyist who is listed as the contact person on the request form or to whom the sponsor has otherwise granted permission through written or oral authorization. OLLS staff will not rely on information provided by a lobbyist who is not listed as a contact person unless the sponsor has authorized the staff person, either in writing or orally, to rely on the information.

### **4. Copies of Bills and Amendments**

In accordance with the confidentiality provisions of section 2-3-505, C.R.S., the OLLS will release a copy of a bill or an amendment to the bill or amendment sponsor. The OLLS will, upon request, release a copy of a bill or amendment directly to a lobbyist who is working on the bill or a specific amendment and who is listed as the contact person on the request form or to whom the sponsor has otherwise granted permission through written or oral authorization. Also, upon request, the

OLLS will release a copy of a bill or amendment to any other lobbyist who the sponsor has authorized, through written or oral authorization, to receive a copy of the bill or amendment. The OLLS will not release a copy of a bill or amendment to any other lobbyist until the OLLS has confirmed with the bill sponsor or amendment sponsor, either in writing or orally, that the sponsor has authorized the lobbyist to receive a copy of the bill or amendment. A lobbyist who is listed as the contact person for the amendment or to whom the amendment sponsor has granted permission through written or oral authorization may receive copies of only the amendments on which the lobbyist is working with the sponsor -- not all amendments to the bill.

**Note:** For purposes of guidelines 2 through 4, the term "bill" includes both bill drafts and finalized bills prior to introduction and the term "amendment" includes both amendment drafts and finalized amendments prior to being offered or moved in committee or on the floor. Guidelines 2 through 4 do not apply once a bill is introduced or an amendment is offered or moved in a committee or on the floor.

## **5. Legal Memoranda**

The OLLS will release a copy of a legal memorandum requested by and prepared for a legislator only to that legislator. Because of the confidential nature of memoranda, the OLLS will release a copy of a memorandum to a lobbyist only if the legislator has authorized the OLLS, either in writing or orally, to provide the lobbyist with a copy. A legal memorandum requested by and prepared for a legislator is "work product," as defined in section 24-72-202 (6.5), C.R.S., is not a public record, and is subject to the statutory requirements governing work product.

## **6. Copies of OLLS Materials**

The OLLS will provide to any legislator a copy of any material prepared or held by the OLLS (charts, bill summaries, memoranda, preamended bills, court cases, etc.) that is not confidential. The OLLS will provide a copy of any such material to a lobbyist if a legislator has directed the OLLS, either in writing or orally, to provide the material to the lobbyist.

**Note:** This provision does not apply to the Digest of Bills prepared by the OLLS as that document is available to the public.

## **7. Requests for Research**

The OLLS will accept research requests from legislators either in writing or orally. The OLLS will accept a research request from a lobbyist only if the lobbyist has a legislator's authorization, either in writing or orally, to submit the research request.

## **8. Use of OLLS Office Equipment by or for Lobbyists**

OLLS office equipment, including telephones, printers, and copying machines, can be used by a lobbyist or by an OLLS staff person on a lobbyist's behalf only if the OLLS determines the use is directly related to furthering work by the OLLS for a legislator. Under no circumstances should OLLS office equipment be used for a lobbyist's personal business. OLLS staff persons who are notaries shall not notarize any document for a lobbyist.

## **9. Gifts from Lobbyists and Attendance at Lobbyist-Sponsored Activities**

Article XXIX of the Colorado Constitution (more commonly known as "Amendment 41") expressly prohibits a professional lobbyist, personally or on behalf of any other person or entity, from knowingly offering, giving, or arranging to give to persons covered by the article, including government employees such as OLLS staff, or to covered persons' immediate family members, any gift or thing of value or any meal, beverage, or other consumable item. Accordingly, and in order to comply with the letter and spirit of Article XXIX, OLLS staff are prohibited from receiving, accepting, taking, seeking, or soliciting, directly or indirectly, any gift<sup>3</sup> from a lobbyist. This restriction prohibits OLLS staff from attending lobbyist-sponsored activities or programs, as well, unless an OLLS staff person pays for the cost of attending or the OLLS pays the cost on behalf of the staff person. This does not prohibit OLLS staff from having a meal with a lobbyist so long as the OLLS staff person pays for their own meal.

OLLS staff attending a conference or meeting for which the registration fee or other costs have been paid by the OLLS staff person or on the staff person's behalf by the OLLS may partake in meals or activities that are a scheduled part of the conference or meeting and that may be underwritten, in whole or in part, by one or more organizations that may be represented by a lobbyist if the meal or activity: 1) Is offered by the sponsor of the program or meeting to every attendee; and 2) is not given or offered individually to the OLLS staff person to influence an official act that the OLLS staff person may perform in the course and scope of their public duties.

In certain circumstances, the Director of the OLLS may accept or receive, on behalf of the entire OLLS, a gift of nominal value from a lobbyist that is intended for the benefit and enjoyment of the OLLS as a whole.

If OLLS staff have any questions regarding compliance with Article XXIX, OLLS staff should see the Director of the OLLS or their immediate supervisor.

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<sup>3</sup> Under section 3 of Amendment 41, a gift includes money, forbearance, forgiveness of indebtedness, or thing of value.

## **10. Dating Lobbyists and Other Lobbyist Relations**

An OLLS staff person is strongly discouraged from dating a lobbyist, especially if the staff person is working directly with the lobbyist on official business.

If, because of a personal relationship with a lobbyist, an OLLS staff person believes that there may be an appearance of impropriety, the OLLS staff person must disclose the existence of the relationship to the Director of the OLLS.

## **11. Noncompliance with Guidelines**

Knowing noncompliance with one or more of these guidelines by an OLLS staff person may result in appropriate disciplinary or remedial action against the OLLS staff person in the interest of preserving the role and integrity of the OLLS. Noncompliance with a guideline will be addressed on a case-by-case basis.

If a lobbyist knowingly asks an OLLS staff person to disregard one of these guidelines, the OLLS staff person should report the request to the Director of the OLLS for appropriate action.

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Last Revised: 10/20/2025