COLORADO LOBBYISTS ASSOCIATION

March 9, 2018

Secretary Williams,

The Colorado Lobbyists Association respectfully submits the following comments to the proposed rules regarding the **Colorado Rules Concerning Lobbyist Regulation (8 CCR 1505-8).** These comments are a culmination of concerns submitted by our members in the hopes that we can provide a cohesive voice on behalf of our professional-lobbyist members.

Rule 2.2.3 (c)(1)

This rule adds a new requirement that lobbyists or lobbying firms must disclose a "summary of the terms of the agreement" for "new engagements". We object to this new rule for several reasons:

1. It is entirely inconsistent with Rule 3.2.2(A)(1) and (2), which only requires a lobbyist or lobbying firm to disclose, in part, "a description of the business activity in which the individual is engaged" or "a description in the which the business is engaged" for its monthly disclosure. Combined with other reported information, we feel this is sufficient information for disclosure to the SOS and the public in general.

2. There is no reasonable or rational basis to require lobbyists and lobbying firms to disclose the "summary of the terms of the agreement" for ANY contractual relationship whether it is "new" or existing. These agreements are negotiated in good faith and are based on confidential discussions between a lobbyist or firm and the client. The public's right to know the terms of an otherwise private agreement are outweighed by the private nature of these contracts. Moreover, lobbyists and lobbying firms disclose an excessive amount of information about the nature of our profession to the SOS for public consumption, including but not limited to: clients' contact information, the names and contact information of a company's CEOs, the amount the client pays per month and an annual summary of a lobbyist or firm's income, a lobbyist or firm's position on bills that they are supporting, opposing, amending or monitoring, and any expenditures a lobbyist or firm makes for purposes of a lobbying communication. We believe that the current disclosure requirements, while inordinate as it is, is sufficient for the public's right to know.

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3. There should not be two different disclosure requirements for "new" engagements and current contractual engagements between lobbyists or lobbying firms and their clients. It merely creates a "gotcha" situation should a lobbyist or lobbying firm misinterpret the differing rules or mistakenly not disclose the correct "summary" or "description" of the client's business, and therefore a violation and fine against an otherwise compliant lobbyist or firm.

We respectfully request that this proposed rule be withdrawn for any further consideration.

Rule 2.2.4

This proposed rule change requires a lobbyist or lobbying firm to amend their monthly disclosure statement within 72 hours of their change of position on a bill. This is a logistical and burdensome requirement for a lobbyist or lobbying firm to undergo for the following reasons:

1. Since monthly disclosure reports are filed on the 15th of each month for the prior month's activity, if a client maintained one position in January and that was reported on February 15, and the client changes positions on February 20 and such change must be reported within 72 hours per the proposed rule, would a lobbyist or firm then be required to amend the January Disclosure and thus change the January position? There is no February position to change yet because the deadline for February's disclosure is not until March 15, however, the disclosure would then be inaccurate for January. In other words, a lobbyist could have testified and lobbied in support of a bill in January, and reported in February as such, and then if the position changes in February, you would change January's position to reflect that change. If anyone is reviewing this process, a lobbyist or lobbying firm would then have a client testifying in support of a bill and a lobbyist lobbying in support, but the SOS would say you opposed that bill AT THAT SAME POINT IN TIME. It is entirely burdensome, confusing and impracticable to change a position within 72 hours if the lobbyist isn't even reporting any positions for the month you are currently in until the 15th of the next month.

2. As outlined above, this 72-hour change in position requirement is troublesome from a logistical standpoint. We believe the current requirements of position disclosure are sufficient for the public's right to know. Positions can change multiple times during the month as a bill is constantly changing based on the complexities and rules of the legislative process. Furthermore, should a covered official need to know a lobbyist's or lobbying firm's position on a bill at any given time, then they may simply ask and hold them to that position.

Rule 4.1

We propose a change to the current Rule 5.2, which is to become Rule 4.2, about Complaints. While there are no suggested substantive changes to this rule, we respectfully request that a provision be added to prohibit any form of anonymous complaints. Many state agencies are beginning to allow such complaints and therefore limiting the right of the accused lobbyist or lobbying firm from knowing who the accuser's identity. While it is explicit in the rule that all

complaints MUST be signed, verified and notarized, we submit that a specific prohibition of anonymous complaints be clearly stated in the rule.

The CLA appreciates the opportunity to submit these comments and looks forward to working with your office to resolve these concerns.

Respectfully,

COLORADO LOBBYISTS ASSOCIATION

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