

From: Dianna Orf
To: [SoS Rulemaking](#)
Subject: Comments to help shape Colorado's Lobbyist Rules
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The following comments are offered from the perspective of a small firm (3 persons) and more than 30 years lobbying experience in Colorado. Many of the changes appear to clarify the regulations; however, we would like to note particular concern with the following:

1.3.1 (A) It is unclear that "COMMUNICATIONS REQUIRED BY A STATUTE, RULE, REGULATION, OR ORDER" includes communications made within the rulemaking process set forth under the Colorado Administrative Procedures Act or the agency's stakeholder processes which routinely precede a rulemaking. If such communications are intended for be excluded from the definition of "lobbying" (which we believe they should), then his application of "lobbying" should expressly exclude communications.

1.5 An additional clarification of "Monitoring" would be to expressly exclude communication to covered officials made as part of background research or fact-finding prior to a client taking an official position of "Monitor" or other position. As lobbyists, we may flag many bills of potential interest based on their titles or summaries but until we obtain further information to present to the client they have no position (thus we do not have a position).

2.2.4 Requiring reporting of a change in position on a bill or rule within 72 hours is extremely burdensome (and of questionable value) for lobbyists with multiple clients, particularly when those clients are associations or organizations which consider and take positions on a large number of bills. If, for example, five client organizations follow multiple bills and each organization meets weekly on different days to consider positions, the 72 hour rule would require a lobbyist to file reports on a daily basis as bills are amended. Positions change frequently as new information is brought forth; if more frequent reporting is deemed necessary, perhaps a mid-month update would be sufficient, or even a close of business on Fridays. 72 hours is unworkable.

3.2.1 (d) It is unclear whether this reporting requirement is intended to cover administrative/overhead expenses of the lobbying firm (rent, communications, etc.). This should be clarified if the regulations are to achieve uniform reporting.