

April 23, 2018

VIA EMAIL: SoS.Rulemaking@sos.state.co.us

Colorado Secretary of State
1700 Broadway
Denver, CO 80290

RE: Proposed Revisions to the Rules Concerning Lobbyist Regulation, 8 CCR 1505-8

Dear Sir or Madam:

These comments in response to the proposed revisions to the Rules Concerning Lobbyist Regulation 8 CCR 1505-8, are submitted by the Colorado Association of School Boards.

Statutory Exceptions for Disclosure of Payments/Expenses

Consistent with the comments from the Colorado Municipal League, we request amending Rule 3.2 to clarify that the rule does not require disclosure of dues, assessments, or fees, as provided in C.R.S. §24-6-302(2.5)(c).

Including the statutory exception in the rule is necessary to clarify the disclosure requirements for trade associations, public interest groups, and governmental organizations and for consistency with statute. Similarly, we request amending the rule to include the statutory exception for reasonable expenses from disclosure provided in C.R.S. §24-6-302(2).

Definition of Lobbying Firm

The definition of “Lobbying Firm” in Rule 1.4 differs from the definition of “Lobbying Firm” in C.R.S. §24-6-301(3.6). Rule 1.4 defines “Lobbying Firm” as follows:

A person or entity who employs a professional lobbyist on behalf of a client.
Lobbying Firm includes a self-employed professional lobbyist.

By contrast, CRS §24-6-301(3.6) defines “Lobbying Firm” as follows:

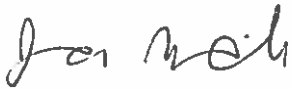
A person or entity employing one or more professional lobbyists to lobby on behalf of a client *that is not the person or entity*. Lobbying Firm includes a self-employed professional lobbyist. [emphasis added].

The definition in Rule 1.4 excludes an explicit statutory exception and arguably modifies the statute. The statute unambiguously exempts certain entities from the definition of “Lobbying Firm” while the rule arguably does not exempt these entities.

Rule 1.4 exceeds the scope of the statute. In addition to exceeding the Colorado Secretary of State's rulemaking authority, the inconsistency between statute and rule will cause confusion as to whether certain entities qualify as Lobbying Firms. Accordingly, the definition in Rule 1.4 must be revised to match the statutory language.

Thank you for your consideration of these concerns and requested revisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenna Zerylnick". The signature is fluid and cursive, with the first name being more prominent.

Jenna Zerylnick
Legal Counsel, Colorado Association of School Boards