



Notice of Proposed Rulemaking

Office of the Secretary of State Rules Concerning Lobbyist Regulation 8 CCR 1505-8

February 27, 2015

I. Hearing Notice

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. The hearing is scheduled for **March 30, 2015 from 2:00 p.m. - 4:00 p.m.** in the Blue Spruce Conference Room on the 2nd floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290.

II. Subject

The Secretary is considering amendments to the rules concerning lobbyist regulation² to improve the administration and enforcement of Colorado laws regarding lobbyist regulation.³

Specifically, the Secretary is considering rule revisions necessary to update terminology following the 2014 second regular session of the 69th General Assembly. Additional amendments clarify and simplify the rules, remove language duplicative of statute, correct numbering, and ensure consistency with Department rulemaking standards. The Secretary may consider additional rule amendments.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory authority

The Secretary proposes the rule revisions and amendments in accordance with the following statutory provision:

¹ Section 24-4-103(3)(a), C.R.S. (2014).

² 8 CCR 1505-8.

³ Part 3 of Article 6 of Title 24, C.R.S. (2014).

- Section 24-6-305 (2) (b), C.R.S., (2014), which authorizes the Secretary of State to adopt rules and regulations to define, interpret, implement, and enforce the provisions of the Colorado lobbyist regulation law (Part 3, Article 6, Title 24 of the Colorado Revised Statutes).

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State's rules and notices of rulemaking website at:

www.sos.state.co.us/pubs/rule_making/hearings/2015/LobbyRulesHearing20150330.html.

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by March 25, 2015.

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

Everyone will have the opportunity to testify and provide written comment concerning the rule amendments. To ensure that the hearing is prompt and efficient, oral testimony may be time-limited.

You may submit written comments by mail, email, or in person to our office any time before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website www.sos.state.co.us/pubs/rule_making/hearings/2015/LobbyRulesHearing20150330.html. We will redact contact information, including home address, email address, and telephone number(s), from submissions before posting the information online, unless otherwise directed by the contributor.

VI. Broadcast and audio recording of hearing

If you are unable to attend the hearing, you may listen to the live broadcast from the Blue Spruce Conference Room online at www.sos.state.co.us/pubs/info_center/audioBroadcasts.html. After

⁴ Section 24-4-103(3)(a), C.R.S. (2014). "Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing... shall be made available to any person at least five days prior to said hearing."

the hearing, visit the same website and click on “archived recordings” to access an audio recording of the hearing.

VII. Office contact

If you have any questions or would like to submit written comments, please contact Andrea Gyger with the Administration Division at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 27th Day of February, 2015.



Suzanne Staiert
Deputy Secretary of State

For

Wayne W. Williams
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State Rules Concerning Lobbyist Regulation 8 CCR 1505-8

February 27, 2015

I. Basis and Purpose

This statement explains amendments to the Colorado Secretary of State Rules Concerning Lobbyist Regulation. The amendments are intended to ensure uniform and proper administration, implementation, and enforcement of Colorado lobbyist regulation law¹ as follows:

- Rule 2.2.3, concerning registration statements, is duplicative of statute and repealed as unnecessary.
- Amendments to Rule 2.2.3 simplify language and update terminology in accordance with Senate Bill 14-217.
- Amendments to Rule 5.3.1 correct numbering.
- Non-substantive revisions to simplify or clarify words and phrases and other technical revisions as is necessary for consistency with Department rulemaking format and style.

II. Statutory Rulemaking Authority

- Section 24-6-305 (2) (b), C.R.S., (2014), which authorizes the Secretary of State to adopt rules and regulations to define, interpret, implement, and enforce the provisions of the Colorado lobbyist regulation law (Part 3, Article 6, Title 24 of the Colorado Revised Statutes).

¹ Part 3 of Article 6 of Title 24, C.R.S. (2014).

Preliminary Draft of Proposed Rules

Office of the Colorado Secretary of State Rules Concerning Lobbyist Regulation 8 CCR 1505-8

February 27, 2015

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the March 30, 2015 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State's website no later than **March 25, 2015**.²

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>[Italic blue font text]</i>	Annotations

1 *[Current 8 CCR 1505-8 is amended as follows:]*

2 *Rule 2.2.3 concerning professional lobbyists is repealed:*

3 ~~2.2.3 In accordance with section 24-6-302(2.5)(a), C.R.S., the following must file~~
4 ~~separate registration statements:~~

5 ~~(a) An individual that owns or is employed by a principal organized for~~
6 ~~lobbying purposes; and~~

7 ~~(b) The principal.~~

8 *Amendments to Rule 3.2.2 concerning professional lobbyist disclosure:*

9 3.2.2 ~~The following subcontractor-SUBCONTRACTOR requirements apply to a lobbyist or~~
10 ~~any firm organized for professional lobbying purposes that contracts to perform~~
11 ~~any lobbying activities for another lobbyist or lobbying firm.~~

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2014). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2014). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

1 (a) A lobbyist or lobbying firm that subcontracts lobbying activities to another
2 lobbyist or lobbying firm must disclose:

3 (1) The name of each subcontractor;

4 (2) The date and amount of each payment or other compensation ~~for~~
5 ~~subcontracting work~~ MADE TO EACH SUBCONTRACTOR; and

6 (3) The name of the ~~principal~~ CLIENT for whom the subcontractor is
7 ~~performing the lobbying activities~~.

8 (b) A subcontractor that performs lobbying activities for another lobbyist or
9 lobbyist firm must disclose:

10 (1) The name of the lobbyist or lobbying firm ~~paying~~ THAT ENGAGED
11 the subcontractor ~~to perform lobbying activities~~;

12 (2) The date and amount of each payment or other compensation
13 received from the lobbyist or lobbying firm for ~~performing~~
14 lobbying activities; and

15 (3) ~~a~~—A description of the lobbying activity, THE position taken, and
16 the name of the ~~principal~~ CLIENT for whom the subcontractor
17 ~~performs the lobbying activities~~ LOBBIES.

18 *Amendments to Rule 5.3.1 (Rules 5.3.1(f) and (g) are renumbered as (e) and (f)):*

19 5.3.1 A registered professional lobbyist or lobbyist firm may ask the Secretary of State
20 to excuse or reduce an imposed fine by submitting a written request by mail,
21 email, fax, or hand-delivery within 30 days of the imposition of fine. The request
22 ~~should~~ MUST include:

23 (a) The professional lobbyist's name;

24 (b) The request date;

25 (c) The due date of the delinquently filed disclosure statement;

26 (d) The filing date the professional lobbyist actually filed the disclosure
27 statement;

28 ~~(f)~~-(E) Any measures the professional lobbyist or firm has instituted or ~~plans to~~
29 WILL institute to avoid future delinquencies, if applicable; and

30 ~~(g)~~-(F) A brief summary of the reason, circumstance, or other justification of the
31 bona fide personal emergency;

32 *[The remainder of Rule 5.3.1 is retained unaltered]*

1 *Amendment to Rule 6.2 concerning collections:*

2 6.2 The Secretary of State will remove a registration statement restriction if a Lobbyist
3 LOBBYIST or firm with penalties in collections is making payments and showing a good
4 faith effort to cure the fine.

