

Secretary of State
11.20.19
Questions & Concerns for Proposed Rules Concerning Lobbyist Regulation
8 CCR 1505-8

✚ Our questions/concerns are represented by this symbol

Page 3

1.4 "LEGISLATION" MEANS ANY BILL, RESOLUTION, AMENDMENT, NOMINATION, REPORT, OR ANY OTHER MATTER WHETHER OR NOT IN WRITING, PENDING, OR PROPOSED FOR CONSIDERATION BY EITHER HOUSE OR COMMITTEE OF THE GENERAL ASSEMBLY, WHETHER OR NOT THE GENERAL ASSEMBLY IS IN SESSION.

- ✚ This statement is very broad, can this be narrowed down?
 - For Example: removal of oral concept needs to be written. (this could mean any concept etc..)

Page 5

2.4

(a) The name and address of each client or other professional lobbyist who paid CONTRIBUTED \$100 OR MORE TO the professional lobbyist for lobbying, and the amount paid by the client or other professional lobbyist since the previous disclosure statement;20

(1) If the client or other professional lobbyist is an individual, THE STATEMENT MUST INCLUDE a description of the INDIVIDUAL'S business. ~~activity in which the individual is engaged;~~

(2) If the client or other professional lobbyist is a business entity, THE STATEMENT MUST INCLUDE a description of the ENTITY'S business, ~~in which the entity is engaged~~ and the names of any chief executive officer, partners, or other designated contact person.; or

- ✚ What is meant by "description"? When entering a new client onto the SOS there is already clarifying questions such as Business Type and Industry/Trade Type.

Page 6

(b) The total amount of ~~money paid to or for~~ SUM OF CONTRIBUTIONS the professional lobbyist RECEIVED FOR LOBBYING ACTIVITIES since the previous disclosure statement and during the fiscal year;;22

(c) THE LEGISLATION, STANDARDS, RULES, OR RATES, ABOUT WHICH THE PROFESSIONAL LOBBYIST IS LOBBYING, INCLUDING:

(1) THE OFFICIAL NUMBER OR OTHER DESIGNATION OF EACH LEGISLATIVE BILL, STANDARD, RULE, OR RATE, IF AVAILABLE. IF A NUMBER OR DESIGNATION IS NOT AVAILABLE, THE LOBBYIST MUST DESCRIBE THE NATURE AND SUBJECT MATTER OF THE LEGISLATION, STANDARDS, RULES OR RATES;

- ✚ Now report on rate lobbying?

Page 9

(B) CHANGE OF POSITION ON LEGISLATION, STANDARDS, RULES, OR RATES

(1) IF A PROFESSIONAL LOBBYIST TAKES A NEW POSITION ON LEGISLATION, STANDARDS, RULES, OR RATES FOR AN EXISTING CLIENT DURING SESSION, THE PROFESSIONAL LOBBYIST MUST DISCLOSE THE POSITION CHANGE, IN ACCORDANCE WITH RULE 2.5.1(D), WITHIN 72 HOURS

- ✚ This is difficult, as positions can change several times within 72 hours. Need some guidance on how to report these changes when several clients can be changing positions within those 72 hours.

Page 10

3.2.2 The statement must contain:32

(a) The name and address of each client or other professional lobbyist who has paid CONTRIBUTED \$100 OR MORE TO the lobbying firm for lobbying and the amount CONTRIBUTED by the client or other professional lobbyist since the previous disclosure statement;33

(1) If the client or other professional lobbyist is an individual, THE STATEMENT MUST INCLUDE a description of the INDIVIDUAL'S business activity;

(2) If the client or other professional lobbyist is a business entity, THE STATEMENT MUST INCLUDE a description of the ENTITY'S business, and the names of any chief executive officer, partners, or other designated contact person; or

(3) If the client or other professional lobbyist is an industry, trade, organization, or group of persons, or professional association, THE STATEMENT MUST INCLUDE a description of the industry, trade, organization, or group of persons, or professional association.34

✚ We need clarity on how to describe:

- Individual business activity
- Trade industry

ie – when representing counities or membership association of non-profit org

Page10

(c) THE LEGISLATION, STANDARDS, RULES, OR RATES, ON WHICH THE LOBBYING FIRM IS LOBBYING, WHICH INCLUDES:

(1) THE OFFICIAL NUMBER OR OTHER DESIGNATION CORRESPONDING WITH THE ACTIVITY MENTIONED ABOVE, IF AVAILABLE. IF THE OFFICIAL NUMBER OR DESIGNATION IS NOT AVAILABLE, THE LOBBYING FIRM MUST DESCRIBE THE NATURE AND SUBJECT MATTER OF THE LEGISLATION, STANDARDS, RULES OR RATES;

✚ When describing the nature and subject matter of the legislation, standards, rules or rates, how much detail need to be provided?

- We suggest very broad description to be acceptable, for example – Support of policy for immunization access or oppose policy to allow residential access to oil & gas drilling

Page 12

~~4.1.4 Notification of a complaint in accordance with Rule 4.1.3 will include:~~

~~(a) The date and factual basis of each act alleged;~~

~~(b) The particular provision of the statute that the lobbyist or firm allegedly violated;~~

~~(c) The action the Secretary of State plans to take; and~~

~~(d) Other relevant information.~~

✚ These are very important statements to be removed. Will they be replaced? If so, with what, please clarify.

Thank you so much for your time and attention to our concerns.

The Team at Aponté & Busam

