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COMPLIANCE NOW



E-News from State and Federal Communications, Inc.

December 2008



We waited so long for 2008 to arrive and it is almost over. At our monthly staff meetings we discuss the many changes going on in the states, municipalities, Canada, and our own Federal government. It never fails to amaze us the amount of information that flows into our office

and onto our website to help our clients. In 2009, we will be ready to help you maneuver through the new Louisiana lobbying law; electronic filings options that will be available in Ohio, West Virginia, and Alabama; and the pay-to-play issues that will continue to work its way through the states. Since 1975, State and Federal has been your source for obtaining the information you need for your public affairs planning. We will continue to be there for you in 2009 and beyond.

On behalf of the fabulous staff of State and Federal Communications, Inc., we wish you and yours a happy holiday season and a joyous New Year.

Elizabeth Z. Bartz
President and CEO

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Amendment 54: Colorado's New Pay-to-Play Law

By Carrie Dunn, Esq., Research Associate

If you are a government contractor who sells unique products or services to the state of Colorado or any of its political subdivisions, take heed because there is a new pay-to-play law. On November 4, 2008, voters in Colorado approved Amendment 54, which is effective December 31, 2008.

Amendment 54 prohibits certain sole source government contractors from contributing to a political party or candidate. Moreover, Amendment 54 prohibits contributors to ballot issue campaigns from entering into certain government contracts relating to the ballot issue and labor organizations who are a party to a collective bargaining agreement with the state from making contributions.

Generally, Colorado state law requires all vendors for state contracts to be selected through the competitive bidding process. However, once a state agency determines that only one good or service can reasonably meet the agency's needs, a state agency can choose a vendor without competitive bidding, which is called sole source procurement. Circum-

stances that could justify sole source procurement include:

The compatibility of equipment, accessories, or replacement parts is the paramount consideration;

A sole supplier's item is needed for trial use or testing; or

Public utility services are to be procured.

Amendment 54 prohibits sole source government contractors who are awarded contracts by the state and its political subdivisions in an amount greater than \$100,000 from directly or indirectly making political contributions during the term of the contract and for two years thereafter. A sole source government contract means any government contract that does not use a public and competitive billing process which solicits at least three bids prior to awarding the contract. An interesting feature of Amendment 54 is that not only does it prohibit the contractor from making a political contribution, but also any immediate family member, persons that control 10% or more of the shares or interest of the contractor, and

the contractor's officers, directors, or trustees. Amendment 54 broadly defines immediate family member as any spouse, child, spouse's child, son-in-law, daughter-in-law, parent, sibling, grandparent, grandchild, stepbrother, stepsister, stepparent, parent-in-law, brother-in-law, sister-in-law, aunt, niece, nephew, guardian or domestic partner. Amendment 54 also covers sole source government contracts with the entire state of Colorado, its agencies and departments, as well as the political subdivisions within the state including counties, municipalities, school districts, special districts, and any public or quasi-public body that receives a majority of its funding from the taxpayers of the state of Colorado.

Finally, Amendment 54 provides that individuals who accept contributions from sole source government contracts must pay restitution to the government. Moreover, any sole source government contractor who intentionally makes a contribution in violation of the law is barred from holding a covered government contract or public employment for three years.

Summary of Changes



Contribution limits for individuals in the city of San Diego will increase to \$500 for all offices on January 1, 2009. Currently individuals

may contribute \$270 per election to candidates for city council district office, and \$320 per election to candidates for mayor or city attorney.

On October 29, 2008 the United States District Court for the Northern District of Florida entered a preliminary injunction enjoining the Florida Secretary of State and Florida Elections Commission from enforcing the electioneering communications provisions of Chapter 106 of the Florida Statutes, except for provisions regarding the functional equivalent of express advocacy. The injunction does not affect any other provisions of Chapter 106, including the regulation of political committees and committees of continuous existence, regulations of the expenditures of candidates, and other lawful campaign finance regulations.

Nebraska held a special session on November 14, 2008 to address the state's Safe Haven law. Any lobbyist or principal who receives or expends more than \$5,000 for lobbying purposes in November will be required to file a special report by December 15, 2008. A report of bills lobbied will be due 45 days following the end of the special session for any lobbyist engaged in lobbying related to the special session topics.

Quebec's legislature was dissolved on November 5, 2008, and an election was held on November 8, 2008.

Julie A. Allen took over as Executive Director of the Missouri Ethics Commission on November 17, 2008. She takes over from Interim Director Stacey Heislen.

Organization Highlight:

American League of Lobbyists –

Lobbying Certificate Program

Information gleaned from alldc.org

Created by the American League of Lobbyists in 2006, the Lobbying Certificate Program (LCP) covers the essential elements of lobbying, and offers mastery of government operations and the legislative process. It is today's gold standard for certifying that government relations professionals possess in-depth knowledge of regulations and ethics that shape lobbying requirements — and success — in the "new" Washington.

For more information how you can build your monthly training sessions into a full 11-session Professional Lobbying Certificate, in less than a year, refer to www.alldc.org



Landmark Series – The Confederate Statue

This article is one of an ongoing series that focuses on historical and/or significant landmarks. Information gleaned from nps.gov, wikipedia.com, harringtons.org, and other sources.

In 1886, the Robert E. Lee Camp, United Confederate Veterans proposed a memorial be erected in honor of the men of Alexandria who died in the Civil War. On May 24, 1889, the monument was erected and marked the spot where Alexandria's troops departed the city 28 years earlier on May 24, 1861.

The monument portrays an unarmed soldier facing the battlefields to the South where his comrades fell during the War Between the States.

On the south face of the monument's base, it reads:

*Erected to the memory of the
Confederate dead of Alexandria, VA
by their surviving Comrades
May 24, 1889.*

On the east and west sides of the statue are the names of the 100 men of Alexandria who lost their lives during the war.

On the north side an inscription on the base reads:

*They died in the consciousness
of duty faithfully performed.*

Located in one of the busiest intersections in Old Towne, Alexandria where Prince Street crosses South Washington Street, the statue has suffered nicks from passing automobiles and was knocked off its base by a passing van in 1988. Although several attempts were made in the late 20th century to remove or transfer the statue on the grounds, it was an offensive reminder of slavery, or simply that its location in the middle of an intersection was impractical, the petitions for a transfer were denied. The United



Confederate Veterans introduced legislation into the Virginia House of Delegates in 1890 to ensure that the statue would never be moved from its location.

The legislation, in part, reads:
And whereas it is the desire of the said Robert E. Lee Camp of Confederate Veterans and also the citizens and inhabitants of said City of Alexandria that such a monument shall remain in its present position as a perpetual and lasting testimonial to the courage, fidelity and patriotism of the heroes in whose memory it was erected... the permission so given by the said City Council of Alexandria for its erection shall not be repealed, revoked, altered, modified, or changed by any future Council or other municipal power or authority.

See Us in Person

Plan to say hello at future professional development events where State and Federal Communications will be attending and/or speaking regarding compliance issues.

January 20	The Presidential Inauguration, Washington, DC
February 4 – 7	National Grassroots Conference, St. Petersburg, FL
February 9 – 12	Innovate to Motivate, New Orleans, LA
February 22 – 25	National PAC Conference, Orlando, FL

Logo for State & Federal Communications, featuring the text "State & Federal COMMUNICATIONS" in a stylized font.

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A stylized red maple leaf logo.

WWW.STATEANDFED.COM

Accessing Lobbyist Information for Your State

In order to have up-to-date information regarding your state's lobbying laws, simply log onto State and Federal Communication's website: www.stateandfed.com

You will get the home page seen here. Click on "**Members On-line Services**".

Log in with:

User Name

Password

At the top of the page, under State Lobbying Laws, use the "**Quick Selector**" to select your state.

(On this page you can also get your lobbying worksheets so you don't have to wait for State and Federal to e-mail them to you. You can fill them out ahead of time if you will be traveling, on vacation, etc.)

After you select your state, click on the topic in the left-hand column. You can access the most current report dates, spending thresholds, definitions and more.

Click on:

Features - to find the state's definition of lobbying and other key rules;

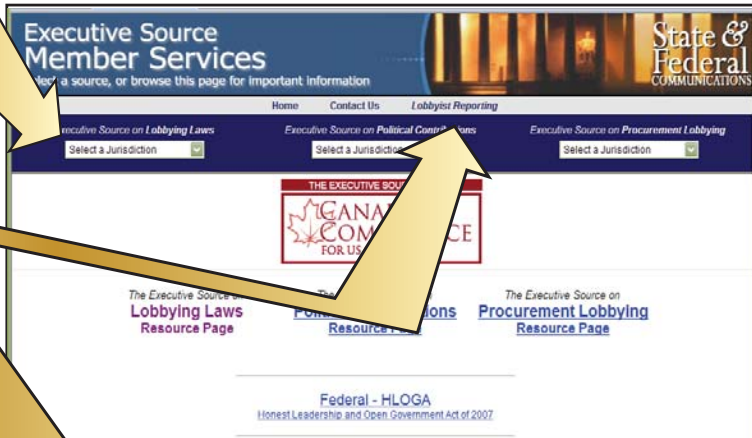
Gift Law - to see what you can and cannot purchase for a state official;

Key Dates - to see when your reports are due;

Registration - to see who must register and when your term expires;

Reporting - to see what types of expenditures and activities you must report; and

Statutes, Regulations, and Forms - if you have trouble sleeping at night.



State and Federal Communications' Scrapbook

from the November 2008 SGAC Leaders' Policy Conference



Chris Badgley, PhRMA



Chris Badgley, PhRMA with Elizabeth



Christopher Hitchens with Elizabeth



David Holl, Mary Kay Inc., President and CEO



Mary Matalin and Elizabeth



John Gibson, BIO, Manager, State Government Relations