

State &
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COMMUNICATIONS

COMPLIANCE NOW



E-News from State and Federal Communications, Inc.

September 2008

LIVE UNITED

Margaret Mead said, "Never doubt a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has." This is exactly how I describe the United Way campaign for State and Federal Communications every year.

In Summit County, we are a pacesetter for the United Way campaign, which basically means we hold our fundraising program earlier than the formal campaign begins.

Another thing about the Summit County program is State and Federal Communications ranks 61st in dollars contributed. Now that is amazing when you consider we have 23 people on staff. Below are the results of our 2009 campaign.

- Participation-100%
- Fair Share + Donors-82%
[United Way's Fair Share plus \$1]
- Leadership Donors-59%
[Contributions of more than \$1,000]
- Increase from 2008 to 2009 campaign-12%

Our campaign is special because the company matches the contributions dollar for dollar so our overall contribution

for 2009 exceeds \$31,000. We use those fabulous American Express points to thank our leadership donors. This year each person was given 10,000 American Express points to use—the most popular item was the \$100 Home Depot gift card!

Plus all of our Fair Share + donors were in a pool to win a Garmin GPS. We had two of these prizes and Research Associate Christine Wheeler and Administrative Assistant Audrey Epps were the winners. In addition, all Fair Share + donors received a \$200 gift card to a favorite gas station!!!

Until next month, think about how you can LIVE UNITED and help your local United Way in 2009 and remember how a small group of committed people can change the world.

Elizabeth Z. Bartz
President and CEO



Colorado's Amendment 41—Current Update

by Tracee Hilton-Rorar Esq., Compliance Associate



It has been more than a year and a half since voters approved Amendment 41 (Article XXIX of the Colorado Constitution), Colorado's

ethics-in-government law, which among other things, requires an independent ethics commission to review allegations of gifts or services given to elected officials, complaints of misconduct, and officials' failure to disclose gifts or services received.

The Colorado Independent Ethics Commission (IEC) approved rules and procedures on July 11, 2008. The rules became law on September 1, 2008. The panel will begin considering complaints and developing advisory opinions.

The IEC will treat all matters filed with the IEC as confidential until such time as the IEC determines to make the matters public. Jane Feldman, the recently appointed executive director of the

commission, says this regulation is meant to protect those who may be innocent of a complaint until they are proven guilty.

On May 31, 2007 the Denver District Court issued a preliminary injunction enjoining the enforcement of these gift bans on First Amendment grounds [Developmental Pathways v. Bill Ritter, Case No. 07CV1353]. On April 22, 2008, the Denver District Court vacated the preliminary injunction. The next scheduled status conference in the district court is November 24, 2008.

The IEC reminded all government officials and employees the gift restrictions of Article XXIX are in effect. All state and many county and municipal employees are covered under Article XXIX of the Colorado Constitution. The reminder was sent prior to the Democratic National Convention in Colorado.

Article XXIX section 3 restricts gifts that may be given to or received by government officials and employees. Specifically, covered government officials and employ-

ees may not directly, or indirectly as the beneficiary of a gift or thing of value given to such person's spouse or dependent child, solicit, accept, or receive any gift or other thing valued at more than \$50 in any calendar year from a person, without the person receiving lawful consideration of equal or greater value in return from the covered employee or official. Lobbyists are prohibited from either giving a thing of value to a covered individual or knowingly paying for a meal or beverage to be consumed by such a covered person.

The limitation applies to both a lobbyist's business and personal events. Click here to read the relevant section of Article XXIX.

The official website of the IEC can be accessed at www.colorado.gov/ethicscommission and the procedural rules may be viewed at www.colorado.gov/rules. Please do not hesitate to give State and Federal Communications a call if we can assist you with any other information about Colorado.

Summary of Changes UPDATE

- 1] In Colorado, Amendment 54 will appear on the November ballot. The amendment will allow voters to enact pay-to-play laws that would restrict businesses holding contracts with the state from making political contributions.
- 2] Also in November, Oregon voters will have the opportunity to vote for Ballot Measure 64, which would prohibit the use of any public resource to collect or help collect money used for a political purpose.
- 3] Initiated Measure 10 will appear on the November ballot in South Dakota. The measure would enact pay-to-play restrictions on contributions and independent expenditures from the holders of no-bid government contracts.
- 4] Illinois House Bill 824, which would have enacted pay-to-play provisions in the state, was vetoed by the governor and sent back to the legislature with suggested changes. The governor followed up his veto with Executive Order 3, establishing pay-to-play provisions that restrict contributions from businesses holding contracts with state agencies that total more than \$50,000.
- 5] Karen Shepherd is the new Interim Commissioner of Lobbying for the Canadian Federal Government. She may be reached at (613) 957-2760, or QuestionsLobbying@ORL-BDL.gc.ca

Compliance in Canada

Canadian Compliance for US Companies™ focuses on Canadian legislation, both at the federal level and in the 10 provinces and three territories. This service is intended for U.S.- based businesses, organizations, and associations and not for Canadian-based companies. There is a need to understand and deal with changing Canadian regulations, so we have taken the lead here to present this new service to you. State and Federal Communications, Inc. encourages you to take advantage of the free trial! Simply log-in to your account and sign up for one free month of service!



You Should Know

by Joe May, Researcher

The West Virginia Ethics Commission expects to put lobbyist disclosure reports on their website by January 2009. Executive Director Lew Brewer said the database will allow lobbyists to file their disclosure forms on-line and the public will be able to search the results. The software for the database has been completed, according to Brewer, and the Ethics Commission will be selecting lobbyists this fall to submit practice reports in order to test the new system.

Under the current system, lobbyists in West Virginia submit four-page paper disclosure forms in January, May, and September. The forms are kept at the commission's office in Charleston.

The Ethics Commission also will be posting their most recent advisory opinions on their website. The commission previously waited one month before posting the opinions, in case the opinions would be reconsidered at the next meeting. Current advisory opinions will be posted after the first meeting, but with a disclaimer stating the opinions could be subject to reconsideration.

For Pets Sake ... Too Many Cats!

by Christine Wheeler, Esq., Research Associate

While staying at the New Orleans Ritz Carlton for the State Government Affairs Workshop last spring, I fell in love with the manager's parrot, Lady, in the courtyard. But, as I am telling her in the picture,



I have too many cats to think about having a feathered pet. Hershey, my twelve year-old chocolate

point Siamese, earned the name "legal cat" as he spent every moment of my law school years studying with me, either on my desk or my lap, and of course when I studied for the bar exam.

Prior to becoming a Research Associate at State and Federal Communications, I was in private practice, which included guardian ad litem cases. I represented abused and neglected children, and many of my cases were emotionally draining. After one particularly



heated hearing in Juvenile Court, I returned to my car in the parking lot, and a small



furry form crawled out from under it, which turned out to be an emaciated, bedraggled cat, not much more than a kitten. To move her out of the way, I picked her up,

which caused her to burst into a loud purr. I put her down, but she ran right back. I remember thinking, well, it may be hard to change things quickly inside the court, but at least I could do what I could for this small being.

Over the next few weeks, Fantasia turned out to be quite a pretty young cat, with long black and white fur, becoming rounder and plumper, until she looked

much like a furry soccer ball with ears.

Of course, in actuality,

I had saved three lives, with the birth of our kittens, a black and white tuxedo cat, Isabella, and the grey tuxedo cat, Gracie. My talents do not lie in the area of giving away kittens. I hesitate to tell the story, even, as it tends to elicit offers of other needy cats. But, as you can see, as I told the parrot, I already have too many cats!



Landmark Series – The USS Arizona Memorial

This article is one of an ongoing series that focuses on historical and/or significant landmarks. Information gleaned from www.nps.gov, www.zimbio.com, www.wikipedia.com, www.pastfoundation.org/Arizona; www.historymatters.gmu.edu and other sources.

President Franklin D. Roosevelt declared,

"Yesterday, December 7, 1941—a date which will live in infamy—the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan."

Pearl Harbor, HI is where WWII began for the United States. The event that Japanese Admiral Isoroku Yamamoto stated, "I fear all we have done is to awaken a sleeping giant."

The Attack

Shortly before 8am on December 7, 1941, Japanese aircraft from six fleet carriers struck the Pacific Fleet in port at Pearl Harbor. ARIZONA was the most seriously damaged of all the vessels, suffering three near-misses and four direct-hits. The last bomb to strike her penetrated her deck and detonated. The resulting cataclysmic explosion broke the ship, collapsed the decks, and caused a cavity that enabled the tower to fall thirty feet into her hull. ARIZONA was a complete loss. The ship was not considered salvageable. She remains where she sank to this day, a tomb for the 1,177 brave men who died with her. These deaths totaled over half of the casualties suffered by the entire attack. ARIZONA (BB-39) was awarded one Battle Star for her service in World War II.



Memorial

The USS Arizona Memorial grew out of wartime desire to create a memorial at Pearl Harbor to honor those who died in the attack on December 7, 1941. Suggestions for such a memorial began in 1943. President Dwight D. Eisenhower, who helped achieve Allied victory in Europe during World War II, approved the creation of the Memorial in 1958. It was built

directly on top of the ship after the upper tower was removed. Construction was completed in 1961 with public funds appropriated by Congress and private



donations. The Memorial was dedicated in 1962.

Today there is a Pearl Harbor Memorial Fund [PHMF] to raise \$54 million dollars to replace the current deteriorating building. The memorial and visitor center had larger than expected visitation, inadequate climate control systems for the artifacts, structural deterioration from water intrusion, insufficient curator space, and limited educational areas. The new Museum & Visitor Center will be state-of-the-art and a link to future generations of the great sacrifice by those that lost their life on December 7, 1941.

Arizona Trophy

"What becomes of the boys in the band when the guns begin to roar?"

There are eleven bands in the U.S. Navy, 34 in the Army, and 12 Marine Corps bands. All of those in the bands have attended boot camp and the Navy School of Music in Norfolk, VA. These Navy bands would be assigned to different ships to entertain on board, at various stations, and international audiences. The first military band was established in 1935 at the Washington Navy Yard.

Part of the recreation program at Pearl Harbor in 1941 was the Battle of Music. The bands of the ships in port challenged each other. One of the best and near the

top in scoring when the war began was the band of the Arizona. The evening of December 6, there were three 21-piece bands who had made it to the finals after several months of elimination concerts. The USS Arizona entertained between competitive rounds and provided dance music later in the evening. The four bands played song after song for the excited crowd. Several thousand sailors and their guests shouted and stood on chairs as they cheered the musicians. The USS PENNSYLVANIA was declared the winner and presented with the three-foot-high trophy. The evening ended with the audience singing "God Bless America."

As the band members packed their instruments, an ARIZONA sailor ribbed a PENNSYLVANIA buddy, "We get to sleep in tomorrow. You have to play for Colors at 0800."

On December 7 the band members went to their battle stations down below, passing ammunition to the guns above. This was one of the most hazardous positions on the ship. The Arizona's band was killed when the battleship's magazine exploded. When its total loss was discovered, the other contestants unani- mously agreed to posthumously award the Arizona's band the trophy at stake. After that the trophy was known as the Arizona trophy. The band on the USS Arizona is the only band that trained, deployed, and died together.



See Us in Person

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

October 3-4	NCSL Standing Committee Officer Orientation, Denver, CO
October 6	WASRG October Luncheon, Washington, DC
October 27 – 29	PhRMA State Government Affairs Annual Meeting, Tucson, AZ
November 12 – 14	Public Affairs Council State and Local Government Relations Seminar, Alexandria, VA
November 22 – 25	SGAC Foundation Leaders' Policy Conference, Dana Point, CA
December 7 – 10	30th Annual COGEL Conference, Chicago, IL