



Advocating for Impact

Navigating the Executive Branch
and the Regulatory Process

The Colorado Health Foundation's Vision

That across Colorado each of us can
say: “ We have all we need to live
healthy lives.”



Webinar Goals

- What are the legal parameters for nonprofit engagement during the regulatory and rule-making process?
- What is the process for Colorado state agencies to promulgate rule and regulations?
- How can engaging in the regulator process advance an organization's mission?
- What are effective strategies and tactics for influencing the regulatory and rule-making process?



Quick Note on 501 (c)3 Legal Constraints



- 501(c)(3) tax status does not restrict a nonprofit organization's engagement in regulatory advocacy
- Regulatory advocacy is **not** lobbying. "Lobbying" is attempting to influence specific legislation (e.g. bills introduced in the state legislature and ballot measures)



Today's Presenters



Sarah Stachowiak
CEO
ORS Impact



Suzanne Staiert
Deputy Secretary of State
Colorado



Bill Jaeger
Vice President
Early Childhood Initiatives
Colorado Children's

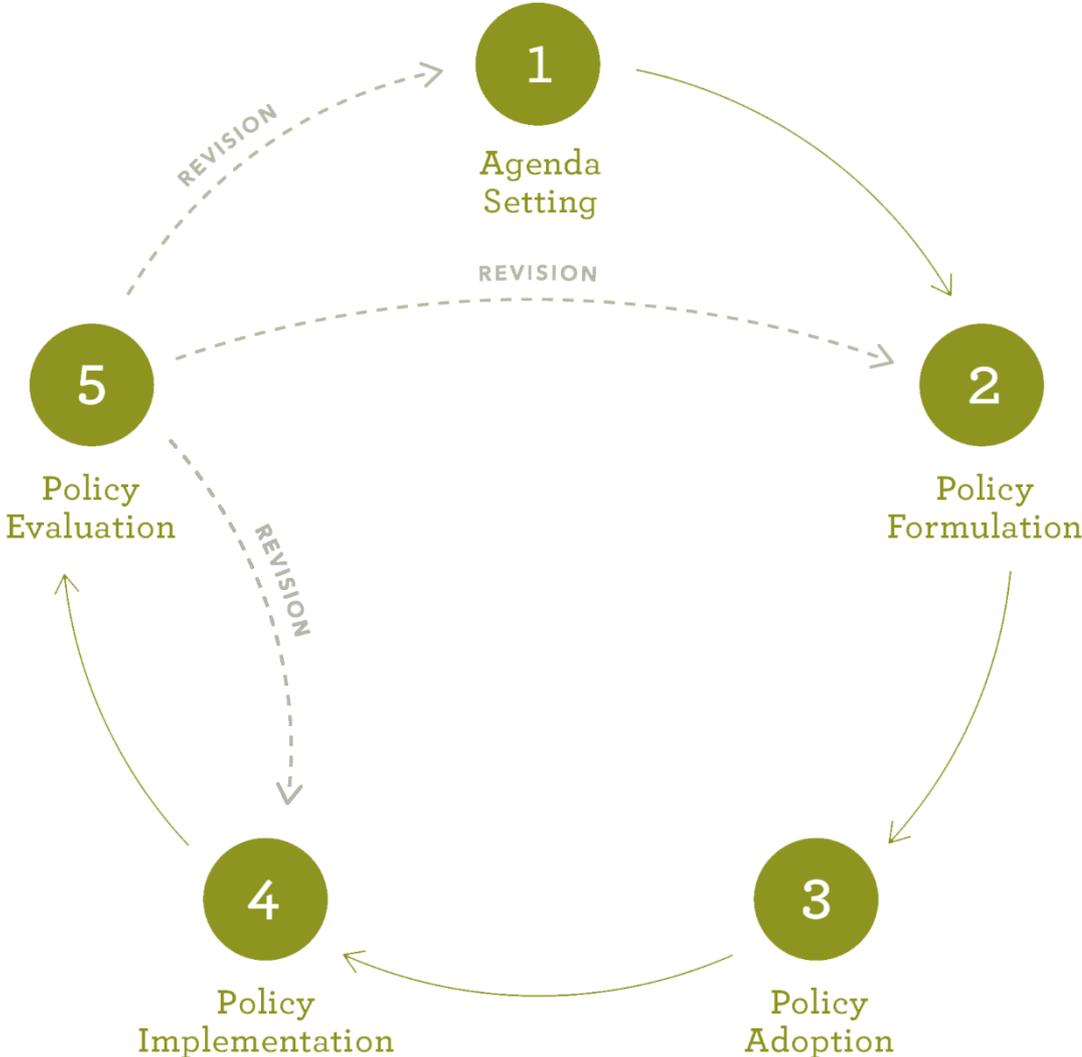




Beyond the Win: Theory and Practice in Policy Implementation Advocacy

Sarah Stachowiak
CEO, ORS Impact

The Policymaking Lifecycle

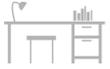


Unique Characteristics of Policy Implementation Advocacy



Technical Expertise Matters—A Lot

Unique Characteristics of Policy Implementation Advocacy



Technical Expertise Matters—A Lot



Implementation Stakeholders
Have Different Motivations

Unique Characteristics of Policy Implementation Advocacy



Technical Expertise Matters—A Lot



Implementation Stakeholders Have Different Motivations



Who's Interested Differs Post-Policy Adoption

Unique Characteristics of Policy Implementation Advocacy



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Implementation Stakeholders Have Different Motivations



Who's Interested Differs Post-Policy Adoption



Oppositional Approaches Are Often Less Useful

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Venues Can Change And Impact Implementation

Unique Characteristics of Policy Implementation Advocacy



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Implementation Stakeholders Have Different Motivations



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Oppositional Approaches Are Often Less Useful



Venues Can Change And Impact Implementation



It's Not A "Pivot"!

Three Types of Advocacy



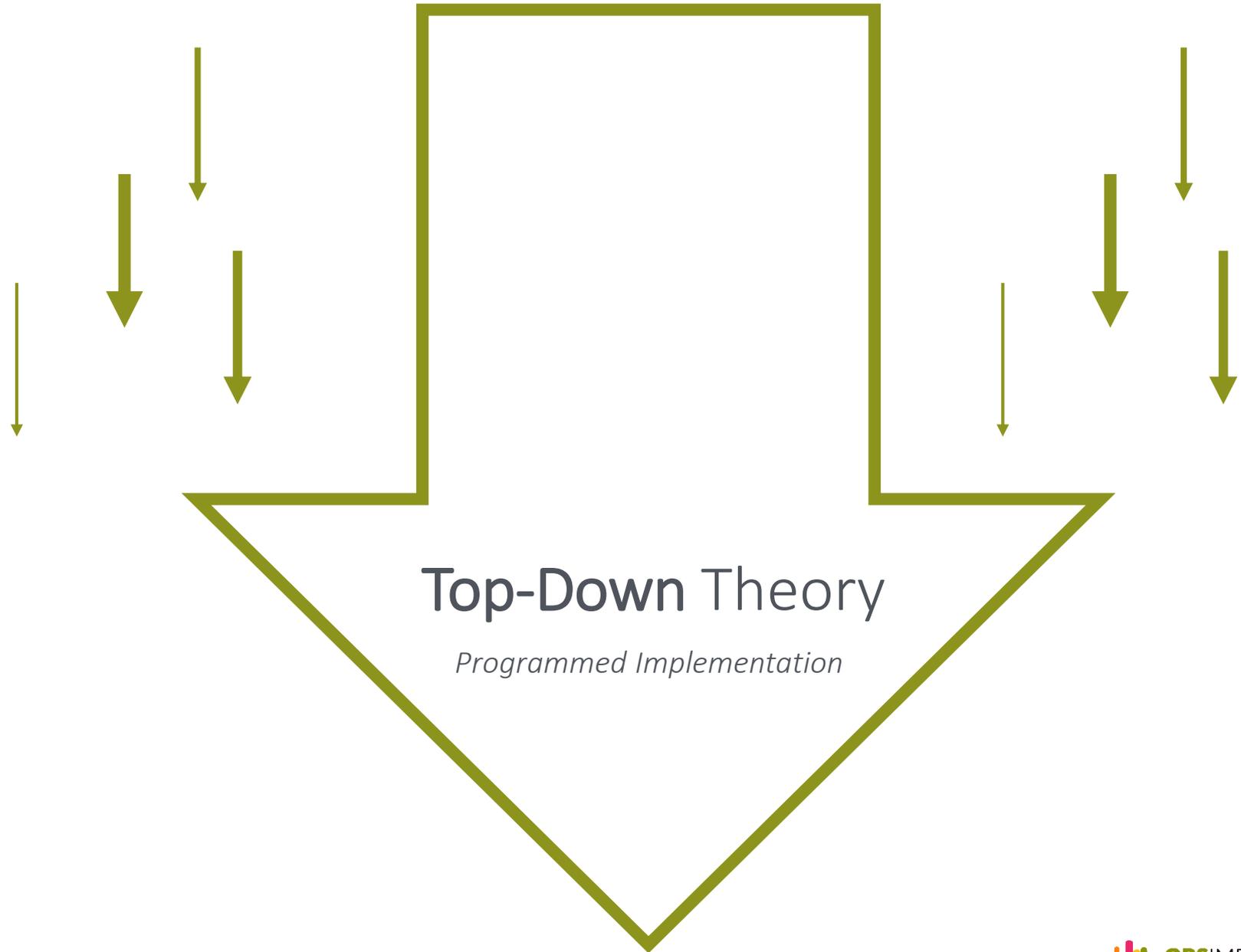
Administrative Advocacy



Implementation Advocacy

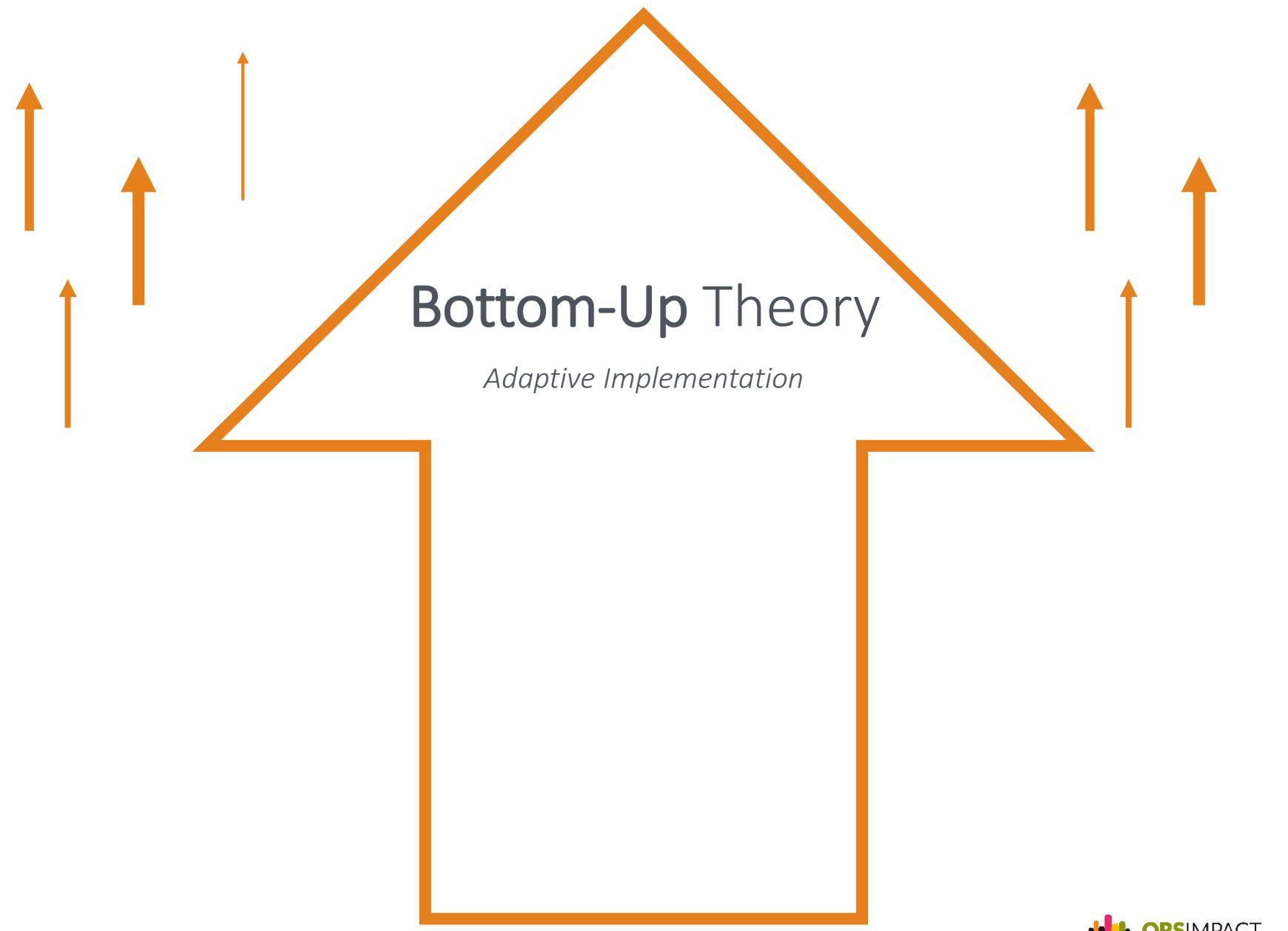


Ongoing Capacity Maintenance



Successful policy implementation requires:

- Clear and consistent **objectives** based on adequate causal theory
- A legally structured process to enhance **compliance**
- Committed and **skilled** implementing officials
- Support from **interest groups** and sovereigns
- Prioritization of **political support or causal theory** over changes to account for socio-economic conditions



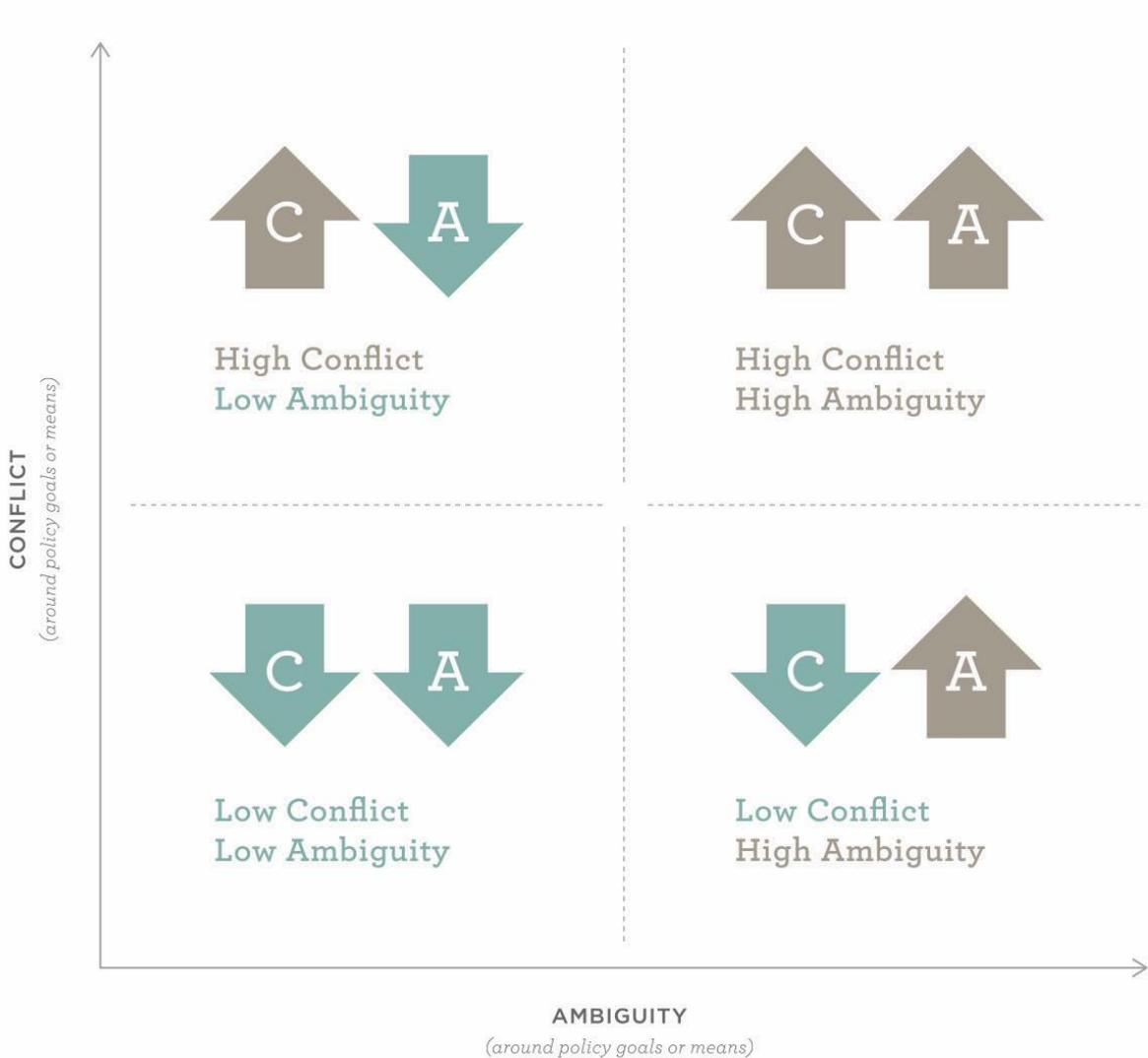
Bottom-Up Theory

Adaptive Implementation

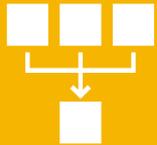
Successful policy implementation considers:

- The interaction of policy and **local context** with regard to resources, access, power, and social capital
- Flexible policies that can be **adapted** at the local level
- Direct **engagement** with those most impacted by the policy

Conflict Ambiguity Framework

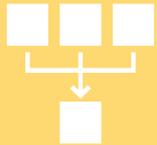


Beyond the Win: Five Considerations for Policy Implementation Advocacy



When you think about a legislative campaign's **theory of change**, have you thought of ways you can use **administrative, implementation, or ongoing capacity maintenance strategies** early on in the policymaking lifecycle?

Beyond the Win: Five Considerations for Policy Implementation Advocacy

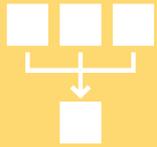


When you think about a legislative campaign's **theory of change**, have you thought of ways you can use **administrative, implementation, or ongoing capacity maintenance strategies** early on in the policymaking lifecycle?



Are you thinking about how your **advocacy tactics will differ** between legislative campaign activities and implementation activities?

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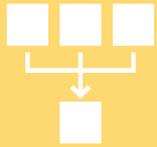


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Have you thought about **who the main implementation actors** are or will be and their motivations?

Beyond the Win: Five Considerations for Policy Implementation Advocacy



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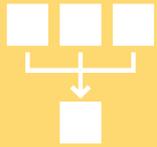


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Have you considered if and how you will **include stakeholders and beneficiaries** in your advocacy efforts to inform rulemaking?

Beyond the Win: Five Considerations for Policy Implementation Advocacy



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Are you thinking about how your **advocacy tactics will differ** between legislative campaign activities and implementation activities?



Have you thought about **who the main implementation actors** are or will be and their motivations?



Have you considered if and how you will **include stakeholders and beneficiaries** in your advocacy efforts to inform rulemaking?



Have you considered how you can **reflect and learn** from past experiences or current efforts to continue to refine your policy implementation related work?



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Visit ORSIMPACT.COM to download
Beyond the Win: Pathways for Policy
Implementation



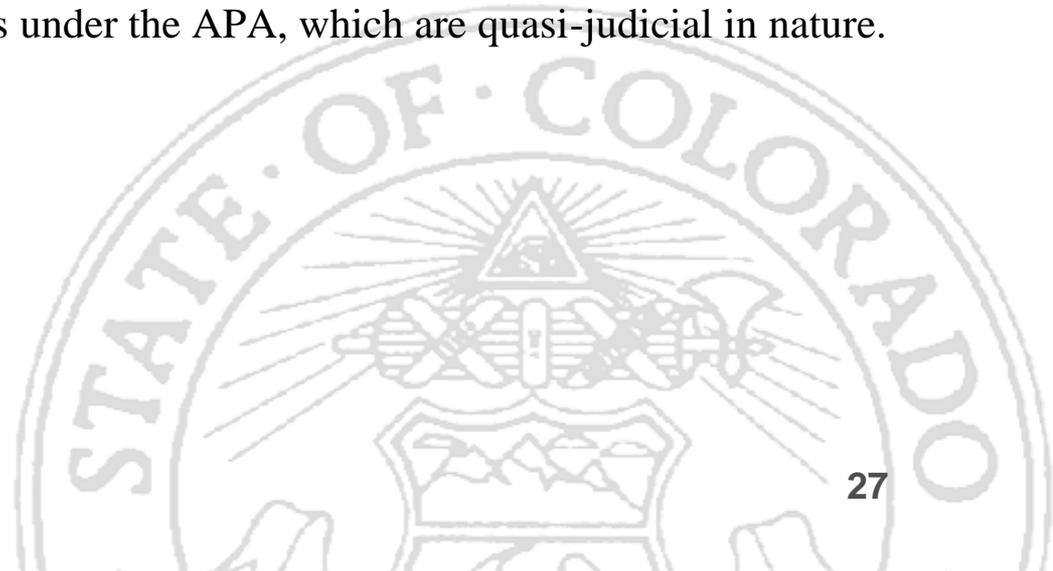
Colorado Deputy Secretary of State Suzanne Staiert

**State Rulemaking Training
October 16, 2017**



Rulemaking Authority

- When the legislature passes laws, it may provide authority for state agencies to adopt administrative rules that interpret, implement, and enforce those laws.
- The rulemaking process is governed by the State Administrative Procedure Act (“APA”), which imposes requirements for notice and public comment.
- The rulemaking process is legislative in nature, so the agency can communicate directly with stakeholders during the process.
 - Different from other types of hearings under the APA, which are quasi-judicial in nature.



Colorado Register

- Published twice monthly, on the 10th and 25th of the month.
- Official publication for state agency rulemaking filings, including:
 - Notices of rulemaking hearings.
 - Proposed, new, and amended rules.
 - Attorney General opinions.
- Also publishes annual departmental regulatory agendas.
- May include other public notices.
- Includes a calendar of hearings.



Colorado Register

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 Colorado
Secretary of State
Wayne W. Williams

 Search

Administrative Rules of State Agencies

Official Publications

- Code of Colorado Regulations
- Colorado Register**

Help & Resources

- FAQs
- eDocket of agency rule filings
- Contact Colorado state agencies
- Publishing calendar for the Colorado Register
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- Colorado Revised Statutes
- News archives

For State Agencies

- Log in to eFile
- Submit proposed rules to DORA Office of Policy, Research and Regulatory Reform
- eFiling instructions
- Styling manuals and templates

Calculators & Flowcharts

- Electronic filing flowchart (PDF)
- Permanent rulemaking calculator (XLS)
- Permanent rulemaking process flowchart (PDF)
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Colorado Register

- Individuals can sign up to receive email notices when an agency publishes in the register:

The screenshot shows the Colorado Register website. At the top, there is a header with the Colorado State Seal, the text "Colorado Secretary of State Wayne W. Williams", and a search bar. Below the header, the main content area displays "Colorado Register" and "Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)". A navigation menu on the left includes links for Home, Colorado Revised Statutes, Search, Browse, Colorado Register, Docket, Log in, and Contact Us. On the right, there are links for "Back Issues" and a "Select year" dropdown menu. The main content area features a table titled "2017 - Volume 40" with columns for Date, Issue, Web version, and Authenticated PDF. Below the table, there is a note about Annual Departmental Regulatory Agendas and a sign-up link for email updates, which is highlighted with a red box and a red arrow.

Colorado Register
Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

2017 - Volume 40

Date	Issue	Web version	Authenticated PDF what is this?
January 10, 2017	40 CR 1	HTML	PDF
January 25, 2017	40 CR 2	HTML	PDF
February 10, 2017	40 CR 3	HTML	PDF
February 25, 2017	40 CR 4	HTML	PDF
March 10, 2017	40 CR 5	HTML	PDF
March 25, 2017	40 CR 6	HTML	PDF
April 10, 2017	40 CR 7	HTML	PDF
April 25, 2017	40 CR 8	HTML	PDF
May 10, 2017	40 CR 9	HTML	PDF
May 25, 2017	40 CR 10	HTML	PDF
June 10, 2017	40 CR 11	HTML	PDF
June 25, 2017	40 CR 12	HTML	PDF
July 10, 2017	40 CR 13	HTML	PDF
July 25, 2017	40 CR 14	HTML	PDF
August 10, 2017	40 CR 15	HTML	PDF
August 25, 2017	40 CR 16	HTML	PDF
September 10, 2017	40 CR 17	HTML	PDF
September 25, 2017	40 CR 18	HTML	PDF

* Annual Departmental Regulatory Agendas are published in November 10th issues of the Colorado Register starting in 2012, per H.B. 12-1008

[Sign up to receive Colorado Register email updates](#)

Colorado Register

- Select as many individual agencies as desired, or choose “all”:

The screenshot shows the Colorado Register website's sign-up page for a free e-mail notification service. The header features the Colorado State Seal, the text "Colorado Secretary of State Wayne W. Williams", a portrait of Wayne W. Williams, and a search bar. A left sidebar contains navigation links: Home, Colorado Revised Statutes, Search, Browse, Colorado Register, eDocket, Log in, and Contact Us. The main content area is titled "Colorado Register Free E-mail Notification Service" and includes the text: "Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)". Below this is a paragraph explaining the service. The form includes a required asterisk, two email address input fields (one with "janesmith@gmail.com"), and a dropdown menu for "Agencies of Interest" with options: All, Administrator-Uniform Consumer Credit Code and Commission on Consumer Credit, Adoption Intermediary Commission, Adult Protective Services, and Agriculture Commissioners Office. At the bottom are "Subscribe" and "Unsubscribe" buttons. A footer contains "Terms & conditions | Browser compatibility".

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Search
Browse
Colorado Register
eDocket
Log in
Contact Us

Colorado Register Free E-mail Notification Service

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

This service will alert you via E-mail whenever Notices of Rulemaking, Permanent Rules, or Emergency Rules have been published by the Secretary of State in the Colorado Register. The E-mail you receive will contain a link to the Colorado Register which will allow you to view the full text of Notices, Proposed Rules, Adopted Rules (Permanent or Emergency), and the associated Attorney General Opinions. This form can be used to subscribe or unsubscribe to this service.

* - Fields are required

*E-mail Address:

*Confirm E-mail Address: x

*Agencies of Interest: (Use Ctrl + Click to select more than one agency)

- All
- Administrator-Uniform Consumer Credit Code and Commission on Consumer Credit
- Adoption Intermediary Commission
- Adult Protective Services
- Agriculture Commissioners Office

Terms & conditions | Browser compatibility

eDocket Pages

- An eDocket is created when an agency files its notice of rulemaking hearing.

The screenshot shows the website for the Colorado Secretary of State, Wayne W. Williams. The page title is "Administrative Rules of State Agencies". The left sidebar contains a navigation menu with items like Home, Information resources, and Rules and regulations. The main content area is divided into three columns: "Official Publications", "Help & Resources", and "For State Agencies". The "Help & Resources" section contains a list of links, with "eDocket of agency rule filings" highlighted by a red box and a red arrow pointing to it. Other links include "FAQs", "Contact Colorado state agencies", "Publishing calendar for the Colorado Register", "Rule history on or before April 1, 2007", "State Administrative Procedure Act", "Colorado Revised Statutes", and "News archives". The "For State Agencies" section includes links for logging in to eFile, submitting proposed rules, and accessing eFiling instructions and styling manuals. The "Calculators & Flowcharts" section lists various filing and rulemaking process flowcharts and calculators. The footer contains "Terms & conditions | Browser compatibility".

Colorado Secretary of State
Wayne W. Williams

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Search

Administrative Rules of State Agencies

Official Publications

- Code of Colorado Regulations
- Colorado Register

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Lobbyist

Notary public

Performing rights

Rules and regulations

Administrative rules of state agencies

Office rules & notices of rulemaking

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Contact us

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eDocket Pages

- Can search eDockets by tracking number (published with the notice in the Register) or by agency:

STATE OF COLORADO
1876

Colorado
Secretary of State
Wayne W. Williams

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Search

Code of Colorado Regulations eDocket Search

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Search for a rulemaking record by tracking number or agency and filing date range.

Tracking #

or

Agency

Start date filed
(mm/dd/yyyy)

Ending date filed
(mm/dd/yyyy)

Home
Colorado Revised Statutes
Search
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Colorado Register
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Log in
Contact Us

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eDocket Pages

- Provides a real-time log of agency filings for that rulemaking:

Code of Colorado Regulations eDocket
Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Details of Tracking Number 2016-00596

CCR details

Tracking Number	2016-00596
Type of Filing	Permanent Rule
Department	2505,1305 Department of Health Care Policy and Financing
Agency	2505 Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)
CCR Number	10 CCR 2505-10 8 200
CCR Title	MEDICAL ASSISTANCE - SECTION 8.200

Proposed rule

Notice Filed with SOS	11/18/2016
Rule	ProposedRuleAttach2016-00596.doc
Statutory Authority	25.5.1-301 through 303 (CRS 2016)
Description of Subjects/Issues	see attached
Purpose/Objective of Rule	see attachment
Submitted in response to issues raised by COLS/OLLS?	No
Is this rule adopted in response to recent legislation?	No
Hearing Date	01/13/2017
Hearing Time	09:00 AM
Hearing Location	303 East 17th Avenue, 11th Floor, Denver, CO 80203
Contact Name	Chris Sykes
Contact Title	Medical Services Board Coordinator
Contact Telephone	3038664416
Contact email	chris.sykes@state.co.us

Adopted rule

Adopted Rules	AdoptedRules12016-00596.doc
Redline	Redline2016-00596.pdf

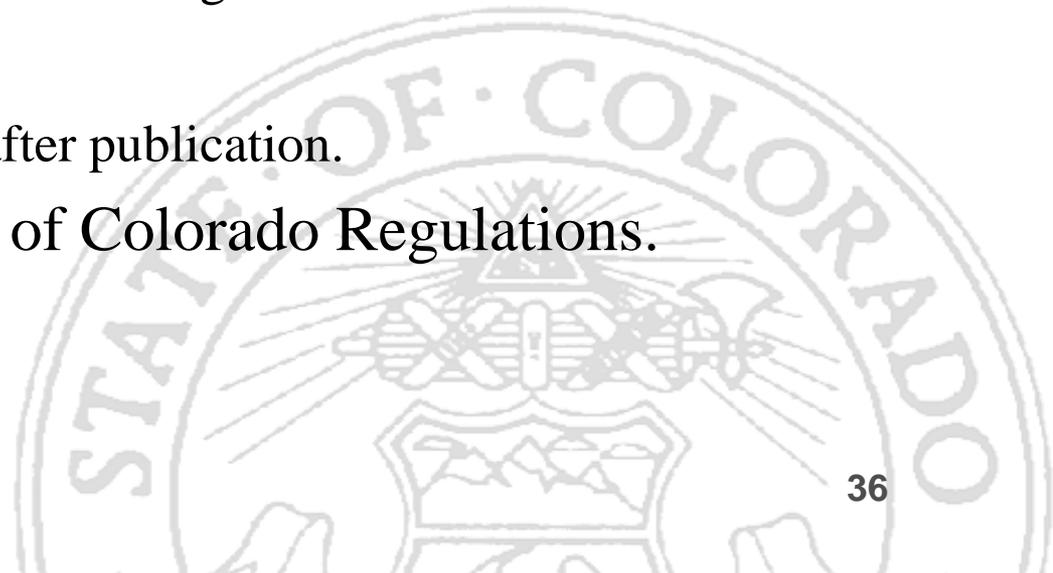
Rulemaking Timelines: Permanent Rules

- Agency files a notice of rulemaking hearing.
 - Publishing deadline: 15th or end of month.
- Notice is published in the Colorado Register.
 - 25th of same month or 10th of next month.
- Agency holds rulemaking hearing.
 - Statutory minimum: 20 days after publication.
- Agency adopts rules.
 - Statutory maximum: 180 days after last hearing.
- Agency requests AG opinion.



Rulemaking Timelines: Permanent Rules

- AG issues opinion.
- Agency files adopted rules with SOS and OLLS.
 - Statutory deadline: 20 days after adoption.
 - Publishing deadline: 15th or end of month.
- Rules published in Register.
 - 25th of same month or 10th of following month.
- Rules become effective.
 - Statutory minimum: 20 days after publication.
- Rules published in the Code of Colorado Regulations.
 - Generally on effective date.



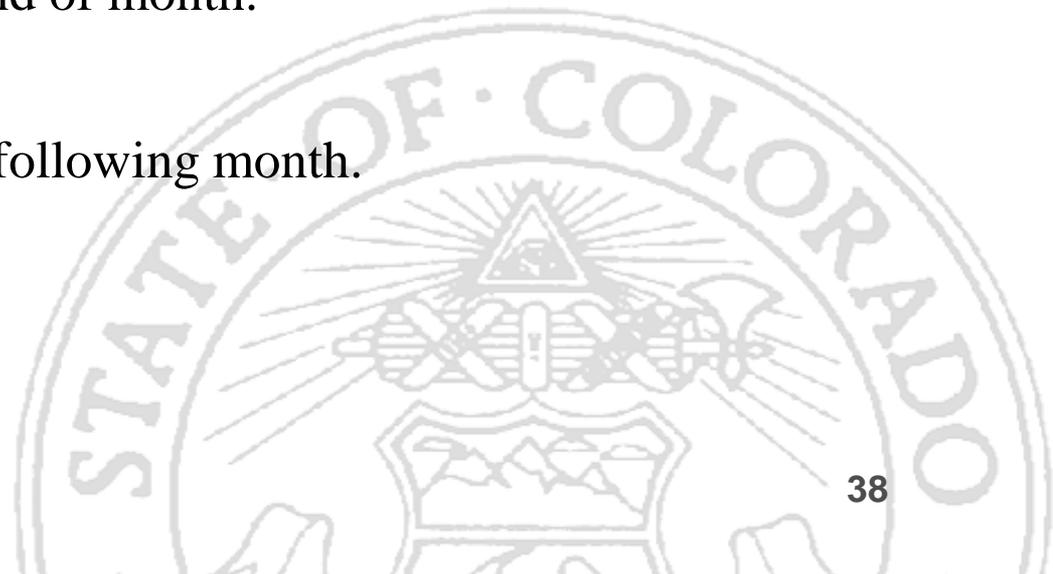
Rulemaking Timelines: Emergency Rules

- Temporary or emergency rules may be adopted if the agency finds that immediate adoption is imperatively necessary:
 - To comply with a state or federal law or federal regulation; or
 - For the preservation of public health, safety, or welfare, and compliance with permanent rulemaking timeline would be contrary to the public interest.
- The agency findings must be made on the record and published with the rule.



Rulemaking Timelines: Emergency Rules

- Agency adopts rules.
- Agency requests AG opinion.
- AG issues opinion.
- Agency files adopted rules with SOS and OLLS.
 - Statutory deadline: 20 days after adoption.
 - Publishing deadline: 15th or end of month.
- Rules published in Register.
 - 25th of same month or 10th of following month.



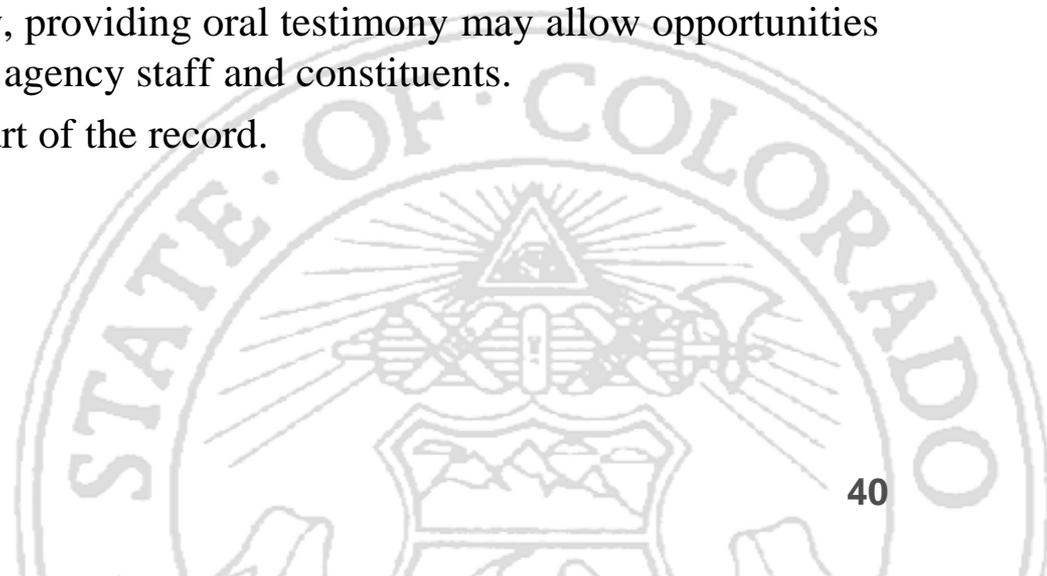
Rulemaking Timelines: Emergency Rules

- Rules become effective.
 - Statutory minimum: adoption date. Agency may choose later date.
- Rules published in CCR.
 - As close to effective date as possible.
- Rules are removed from CCR after expiration unless replaced by further rulemaking.
 - Statutory deadline: emergency rules expire 120 days after adopted date (exceptions for PUC and WQCC).



Public Comments

- At the hearing, the agency must allow the public to submit data, views, or arguments, in writing or orally.
- Written comments:
 - Generally, may be submitted after the notice and up to the hearing date.
 - Details on how to submit are often provided in the notice of hearing.
 - Become part of the official record.
- In person comments:
 - Depending on the hearing and agency, providing oral testimony may allow opportunities for questions and discussion between agency staff and constituents.
 - Hearings are recorded and become part of the record.





Regulatory Advocacy Strategies

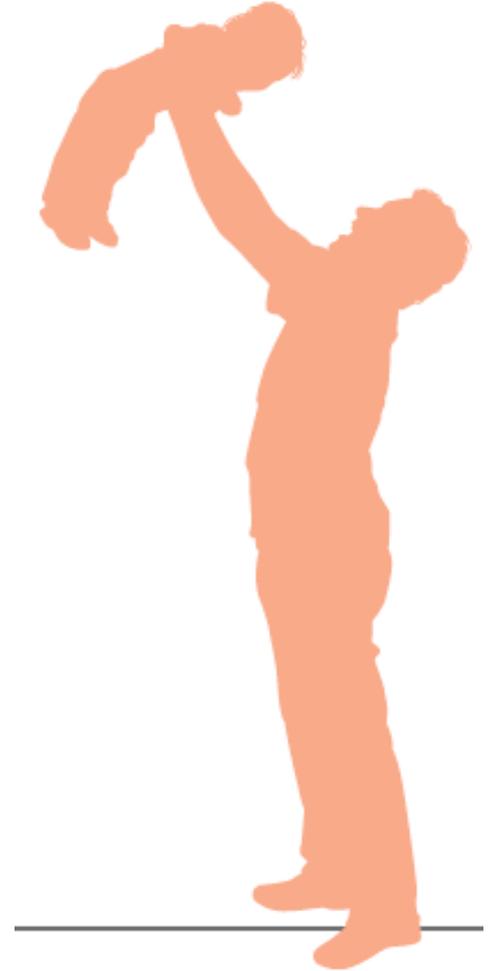
The Colorado Health Foundation • October 2017





The 3 Rs of Regulatory Advocacy

- Research
 - Policy levers for positive change
- Relationships
 - Agency leaders
 - State Board members
- Rallying
 - Public comment
 - Testimony





Regulatory Policy Change Examples

- Colorado Child Care Assistance Program
 - Prompted by HB 14-1317
 - 2 Years of Stakeholder engagement, 3 separate rules packages
- Child Care Center & School-Age Rules
 - Existing statute, periodic review
 - Healthy eating & active living priorities





Follow-up

Bill Jaeger
Vice President, Early
Childhood Initiatives
303.620.4541
bill@coloradokids.org

Thank you!



Additional Resources

- Webinar and additional resources at
 - www.coloradohealth.org/advocating-impact
- Serving on a board or commission
 - Colorado Office of the Governor Boards and Commissions
 - <https://www.colorado.gov/governor/boards-commissions>
 - City and County of Denver Boards and Commissions
 - <https://www.denvergov.org/content/denvergov/en/mayors-office/about-the-office-of-the-mayor/boards-commissions.html>
 - Montrose County Boards and Committees
 - <http://www.co.montrose.co.us/260/List-of-Boards-and-Committees>

