



STATE ETHICS COMMISSION
308 FINANCE BUILDING
HARRISBURG, PENNSYLVANIA 17120

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June 11, 1999

Honorable David J. Brightbill, Majority Whip
Vice-Chairman, Senate Rules and Executive Nominations Committee
Senate Sub-Committee on Lobbying Disclosure
337 Main Capitol Building
Harrisburg, PA 17120-3048

Honorable Robert J. Mellow, Minority Leader
Senate Sub-Committee on Lobbying Disclosure
Room 535 Main Capitol
Harrisburg, PA 17120-3022

Honorable Charles D. Lemmond, Jr.
Senate Sub-Committee on Lobbying Disclosure
Senate Post Office
The State Capitol
Harrisburg, PA 17120-0030

Dear Sirs:

Chair Daneen Reese has asked me to respond to your June 9, 1999 letter given my capacity as her designee to the Lobbying Disclosure Committee and Chair thereof. I have reviewed your letter very carefully.

Your first point regarding the religious exemption involves the correction of a typographical error made by the *Pennsylvania Bulletin* when it was working on the proposed Regulations. The Committee approved the final-form Regulations knowing that certain typographical errors had been corrected.

Similarly, any errors in the citation to the Election Code (your third point) would have been made by the *Pennsylvania Bulletin* when it inserted that definition. Such errors, like consistency of spelling and technical, nonsubstantive adjustments to phraseology (your seventh point) are easily remedied by the *Pennsylvania Bulletin*.

Some of the other points suggest minor changes that could be considered for future revisions, but which do not evidence a compelling need for immediate change, at this late stage of the process.

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Brightbill, Mellow, Lemmond
June 11, 1999
Page 2

Issues that have been raised for the first time, such as filings with the Capitol Police, or stripping a complainant of the protection of confidentiality afforded by statute, present major legal concerns, only one of which is that such issues have not been subject to the legislatively mandated rulemaking process. Further, as to the concept of off-site, non-Commission filing locations, I would expect that such would raise concerns for the regulated industry and the public as to whether forms might be handled incorrectly or even be lost.

Finally, as to the remaining issues involving the tracking of the statutory definition of "indirect communication" in the Regulations, and random and related audits, these issues have been exhaustively considered and debated by staff and the Committee. The final-form regulations reflect the decision of the Committee.

It seems to me that at this juncture, we are at a crossroads--we may either proceed with these Regulations that are the culmination of tremendous efforts by all concerned, or we may pull the Regulations back knowing that there will be *no* Regulations in place by the August 1, 1999 effective date. It is my view that we must go forward. Of course, no regulations are perfect, and these Regulations will need revision in the future. Nevertheless, it is my opinion that there are no substantive flaws which would warrant pulling back the Regulations.

Sincerely,



Austin M. Lee
Lobbying Disclosure Committee Chair

cc: Honorable Daneen E. Reese
Members, Lobbying Disclosure Committee
Independent Regulatory Review Commission