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COMMITTEES

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ENVIRONMENTAL RESOURCES AND
ENERGY
GAME AND FISHERIES
JUDICIARY

Senate of Pennsylvania

July 2, 1999

ORIGINAL: 1997

BUSH

COPIES: McGinley, Bush, Coccodrilli

Harbison, Mizner, Nyce,

Sandusky, Legal

Notebook

Mr. Robert E. Nyce Executive Director Independent Regulatory Review Commission 14th Floor, Harristown 2 333 Market Street Harrisburg, PA 17101

Dear Mr. Nyce:

As you know, the Lobbying Disclosure Committee has revised the final-form Lobbying Disclosure Regulation and submitted the revised version to the Independent Regulatory Review Commission for its consideration.

At this time, although the Lobbying Disclosure Committee did not choose to accept all of the revisions proposed by the Senate Sub-Committee on Lobbying Disclosure, as enumerated in our letter dated June 10, 1999, we are prepared to accept the revised final-form regulations in the interest of moving forward with regulations in place before the August 1, 1999, effective date of Act 93.

We will point out what we believe to be notable improvements to the regulations which were made at the last meeting of the Lobbying Disclosure Committee.

First, the provisions which would have allowed the State Ethics Commission to undertake "related audits" were eliminated. This issue was raised in IRRC's disapproval order, the comments submitted by the Sub-Committee, and in communication from other interested parties at various times during the drafting of these regulations.

Second, the language which deals with the religious exemption (§37.1(k)) has been modified so that it is identical to that which was passed by the General Assembly and signed by the Governor in Act 93.

Third, the Committee adopted language to clarify the definition of "de minimis." This clarification addresses IRRC's concerns, while requiring the reporting of the total amount spent. This modification parallels the process used in the Election Code and the regulations promulgated under the authority of that statute. Since Article XVI of the Election Code was a resource used in drafting Act 93, it is logical to conclude that the General Assembly intended a similar construction and application. We are not aware of any intent to the contrary.

Finally, numerous smaller changes were made to clarify points which could have been the source of undue confusion.

Clearly, it would benefit all parties affected by Act 93 if regulations are in place before the August 1 effective date. The revised final-form regulations have been improved considerably, and we respectfully ask IRRC to approve them.

Very truly yours,

David J. Brightbill

Robert J. Mellow

Charles D. Lemmond Jr.