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February 19, 2008

Louis Lawrence Boyle  
Deputy Chief Counsel  
Pennsylvania Department of State  
301 North Office Building  
Harrisburg, PA 17120-0029

RE: Comment on Proposed Rulemaking/Lobbying Disclosure

Dear Mr. Boyle:

The Pennsylvania State Education Association ("PSEA") is a professional labor organization representing the policy, labor and professional interests of more than 185,000 public school teachers and education support professionals, staff in state higher education institutions, nurses in health care facilities, retired educators, and college students preparing to become teachers. Their employment, and delivery of services vital to the welfare and future of our Commonwealth, is directly affected and regulated by legislative and administrative action.

As an advocate for our members, and for public education, PSEA engages in activity regulated by the act of November 1, 2006 (P.L. 1213, No. 134). As a registered principal, PSEA has implemented extensive internal administrative procedures and controls to comply with the act and interim guidelines, consistent with periodically published (and amended) draft regulations. PSEA supports the concept of a legislative process open to public knowledge, scrutiny and participation.

PSEA welcomes the opportunity to provide this brief comment. PSEA commends the Lobbying Disclosure Regulations Committee for the extensive work by its members in promulgating the proposed regulations. The regulations provide a comprehensive framework for principals and lobbyists to understand and comply with a complicated law. There are but two issues that PSEA feels compelled to otherwise comment.

PSEA believes that "monitoring legislation, legislative action or administrative action" is overly broad, ambiguous and passive to be considered reportable lobbying activity. There is too little, if any, nexus between "monitoring" legislative and administrative action, and "efforts to influence" legislative and administrative action. Monitoring is neither direct nor indirect communication, as defined in the act. It is simply gathering information.



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INDEPENDENT REGULATORY  
REVIEW COMMISSION

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Any person who in the aggregate watches legislative proceedings on the Pennsylvania Cable Network, reads the capital beat in his or her local newspaper, and/or accesses the legislative session website for more than 20 hours in a three-month period, would be required to register as a lobbyist under the proposed regulation. Certainly the committee did not intend such an absurd result. Yet certainly such activity is "monitoring" legislative and administrative action.

PSEA does not believe that "monitoring" – a term not mentioned by the General Assembly in the act nor defined by the committee in the proposed regulation – need be reported to capture the time and expenses of lobbying activity by a principal, or to determine whether members, or employees, of a principal who are otherwise exempt under proposed section 57.2(a)(3) and (4), or (5), need register as lobbyists. PSEA urges that subsection (ii) be struck from the definition of "effort to influence legislative action or administrative action" in proposed section 51.1.

PSEA agrees that expenditures by principals (and lobbying firms) to reimburse members and employees for expenses incurred in lobbying activity on the principal's behalf are a legitimate expense that should be reported by the principal. However, PSEA strongly disagrees that reimbursement by a principal of actual expenses incurred by members or employees who engage in lobbying activity on behalf of the principal is "economic consideration" to that person. PSEA members who at PSEA's request and on PSEA's behalf visit a legislator's local office or travel to Harrisburg do not receive remuneration for, and are not economically enriched by, reimbursement within IRS guidelines for actual expenses incurred.

Reimbursement by a principal of actual expenses incurred by members or employees should not be within "economic consideration" to determine whether those members or employees of the principal who are otherwise exempt under proposed section 57.2(a)(3) and (4) need register as lobbyists. PSEA urges that "reimbursement of expenses" be excluded from "economic consideration" for purposes of proposed section 57.2(a)(3) and (4).

Thank you for consideration of the brief comments submitted on behalf of PSEA.

Respectfully submitted,



Richard E. Burrige  
Legal Field Manager

Pc: James P. Testerman, PSEA President  
Carolyn C. Dumaresq, PSEA Executive Director  
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