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Pennsylvania Association of Resources
for Autism and Intellectual Disabilities

1007 North Front Street
Harrisburg, PA 17102
Phone 717-236-2374
Fax 717-236-5625

June 11, 2008

Attorney General Tom Corbett, Chairman
Lobbying Disclosure Regulations Committee
16th Floor
Strawberry Square
Harrisburg, PA 17120

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Re: PAR Comments on the Lobbying Disclosure Regulations Revised June 4, 2008

Dear Attorney General Corbett,

PAR extends our thanks to you and the other members of the Lobbying Disclosure Regulations Committee for your hard work on drafting the lobbying disclosure regulations and for your commitment to engaging the public in the regulatory process. PAR has participated in several of the forums you have provided to the public, and we have appreciated the opportunities to do so.

In reviewing the latest draft of the regulations which were revised on June 4, 2008, we noticed that two major recommendations made by PAR and other stakeholders were adopted:

1. The regulations now clarify that monitoring is not lobbying unless the monitoring occurs in connection with an activity that constitutes lobbying;
2. The regulations delete references to reporting payments to a lobbyist or firm on retainer even if that lobbyist or firm makes no direct or indirect communications

The changes are noted below, excerpted from the regulations posted on your website:

Effort to influence legislative action or administrative action – Any attempt to initiate, support, promote, modify, oppose, delay or advance a legislative action or administrative action on behalf of a principal for economic consideration. ~~The term includes any of the following:~~

~~(i) The term includes paying an individual or entity economic consideration for lobbying services, lobbyist or lobbying firm a retainer or other compensation, even if that lobbyist or lobbying firm does not make direct or indirect communications or take any other action.~~

~~(ii) Monitoring of legislation, monitoring of legislative action or monitoring of administrative action is not lobbying. However, for an individual or entity which is not exempt, the costs of monitoring are subject to the reporting requirements of the act when the monitoring occurs in~~

~~connection with activity that constitutes lobbying.~~

PAR sincerely thanks the Committee for having accepted our recommendations on these two important issues.

We have one remaining request. The fiscal impact section in the preamble does not appear to have been changed. As we noted in our February 19, 2008 comments on the proposed regulations, the preamble identifies the projected fiscal impact of the proposed regulations on various groups, including the state, the private sector and the regulated community. For the state, various costs are discussed, including personnel, operating and program expenses, office expenses, staff, and other expenses related to “fulfilling...obligations under the proposed rulemaking and the act.”

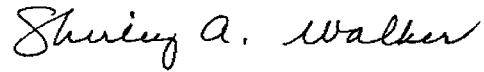
For the private sector/regulated community, the proposed regulations only acknowledge the costs associated with the registration fee of \$100. This estimated cost fails to take into account many other costs, similar to the costs described in the fiscal impact for the state. These compliance costs include personnel, office, operating and program expenses, in addition to the biennial registration fee. In order to comply with the act in good faith, it takes a significant effort by our staff, legal counsel, and accountants. This costs money. In PAR alone, we estimate our compliance costs to be \$10,000 annually, and this is a conservative estimate.

The preamble does not have to identify a dollar amount, but it does need to acknowledge that the costs to the regulated community exist and certainly exceed \$100. A dollar amount is not given for the costs identified for the state; we suggest that the Committee simply revise the fiscal impact section for the regulated community to parallel the section on the Commonwealth.

**Recommendation: Revise the Fiscal Impact section for the Private Sector to read:
“The proposed rulemaking will impose an additional fiscal impact upon the regulated community. The costs are derived from the registration fee, administrative costs, personnel costs, office expenses, and general compliance expenses.”**

Thank you for considering our comments and recommendations. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Shirley A. Walker". The signature is written in a cursive, flowing style.

Shirley A. Walker
President and CEO