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IRRC

3012

2014 SEP 15 PM 4: 56

Pennsylvania Advocacy and Resources  
for Autism and Intellectual Disability

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4 Lemoyne Drive, Suite 203  
Lemoyne, PA 17043  
Phone 717-236-2374  
Fax 717-236-5625

James M. Smith  
PA Independent Regulatory  
Review Commission  
333 Market Street  
Harrisburg, PA 17101

September 15, 2014

**Re: Proposed DOS Regulation #16-56 (IRRC #3012)**

Dear Mr. Smith,

Last June, PAR submitted comments directly to the Pennsylvania Department of State regarding their proposal to increase the biennial registration fee for individuals and entities required to be registered under Act 134 from \$200 to \$700. Those comments are included for your consideration.

PAR is a 501(c)(3) nonprofit educational organization dedicated to building the capacity of the private sector to fully support Pennsylvanians with autism and intellectual disabilities and their families. To carry out our mission, we engage in advocacy and educational activities that are defined as 'lobbying' under Act 134. PAR is defined as a 'principal' and some of our employees are defined as 'lobbyists' under the state law.

While PAR appreciates the outreach from the Department of State and the fact that they have amended their proposed increase from \$700 to \$400, this fact remains: this increase will still be a burden to smaller nonprofit organizations and a disincentive for organizations and individuals to register as lobbyists should they be near the \$2500 threshold for reporting.

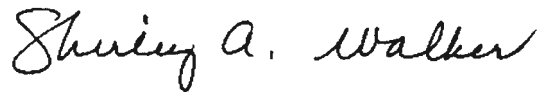
As we noted in our June 28, 2013 Comments to the Department, the impact of this proposed increase is not limited to professional lobbyists and lobbying firms working on legislation and with legislators – Act 134 is so expansive that it includes work with the administration and governmental agencies such as the Department of Public Welfare and Department of Education. Government agency policies impact the lives of people and organizations in such a far-reaching way that 'lobbying' can hardly be avoided by anyone in the nonprofit sector in Pennsylvania.

The notion that only professional lobbying firms and lobbyists are paying these fees is not true and the impact the filing fees has on nonprofit organizations who are required to register and report under Act 134 cannot be forgotten.

PAR urges the IRRRC to reject the proposed lobbying registration fee of \$400 and encourages the Department of State to seek a more reasonable and incremental increase tied to the cost of inflation, which is also connected to a corresponding proposed increase to the threshold for reporting.

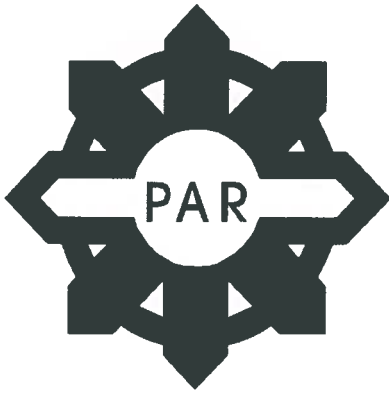
Thank you for considering our comments and recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Shirley A. Walker".

Shirley A. Walker  
President and CEO

Encl: June 28, 2013 PAR Comments to the Department of State



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

June 28, 2013

Caroline A. Bailey, Assistant Counsel  
Department of State, 210 North Office Building  
Harrisburg, PA 17120

**Re: Proposed Rulemaking 51 Pa Code Chapter 53, Biennial Filing Fee – Published  
in the June 1, 2013 edition of the *Pennsylvania Bulletin***

Dear Ms. Bailey,

Thank you for the opportunity to provide comments on the above-referenced notice which proposes to increase the biennial registration fee for individuals and entities required to be registered under Act 134 from \$200 to \$700. **Our comments come down to one main recommendation: that the Department not increase the biennial registration fee. If the Department believes it must increase the fee, we recommend a more manageable increase, not an increase of 250%.**

PAR is a 501(c)(3) nonprofit educational organization dedicated to building the capacity of the private sector to fully support Pennsylvanians with autism and intellectual disabilities and their families. To carry out our mission, we engage in advocacy and educational activities that are defined as ‘lobbying’ under Act 134. PAR is defined as a ‘principal’ and some of our employees are defined as ‘lobbyists’ under the state law.

PAR has complied with the registration, recordkeeping, and reporting requirements of Act 134 since its inception. Complying with Act 134 has been expensive for PAR. Our costs are not limited to the current \$200 biennial registration fee for PAR as a principal and our employees who are registered as lobbyists (which are separate fees; since PAR has two employees registered as lobbyists we would have to pay \$700 x 3 for a total cost of \$2,100 vs. the \$600 we pay now); they also include personnel, office, operating and program expenses that enable us to be in full compliance. Act 134 added so much compliance overhead to our operations that we have had to add a Compliance Officer to help insure that we are always in compliance with the rules that continue to be added to the numerous other requirements that must be followed. All of this means more and more dollars leaving the services we provide and going into compliance, which is a burden that should not be discounted.

An additional \$500 in fees represents a 250% increase. This is significant, particularly for smaller organizations who are not professional lobbyists or lobbying firms but rather individuals or organizations just engaging in the advocacy necessary to move their missions forward. Increasing the filing fee by 250% could have a chilling effect on advocacy and freedom of

speech in the Commonwealth, especially on small organizations, as costs of compliance on many fronts continue to increase.

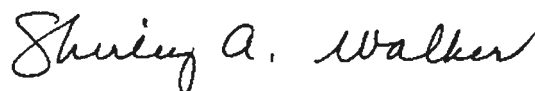
It is important to remember that ‘principals’ and ‘lobbyists’ are not limited to professional lobbyists and lobbying firms working on legislation and with legislators – Act 134 is so expansive that it includes work with the administration and governmental agencies such as the Department of Public Welfare and Department of Education. Government agency policies impact the lives of people and organizations in such a far reaching way that ‘lobbying’ can hardly be avoided by anyone in the nonprofit sector in Pennsylvania. The notion that only professional lobbying firms and lobbyists are paying these fees is not true and the impact the filing fees has on nonprofit organizations who are required to register and report under Act 134 cannot be forgotten.

Some individuals and organizations simply cannot afford such an increase, especially over time and in light of in the many other costs demanded of nonprofit organizations from state and federal laws, regulations, and policies. While PAR understands that the costs of administering Act 134 are substantial for the state, covering those costs by dramatically increasing the filing fee is not the only answer. If efficiencies which would save the Department money have not been reviewed yet, we respectfully request that they are identified and implemented prior to increasing fees. Examples of such efficiencies include reviewing the audit process for registered entities and individuals.

**As stated above, our comments come down to one main recommendation: that the Department not increase the biennial registration fee. If the Department believes it must increase the fee, we recommend a more manageable increase, not an increase of 250%.**

Thank you for considering our comments and recommendations.

Sincerely,



Shirley A. Walker  
President and CEO