

FRANK DERMODY
DEMOCRATIC LEADER
33RD LEGISLATIVE DISTRICT

423 MAIN CAPITOL BUILDING
P.O. BOX 202033
HARRISBURG, PENNSYLVANIA 17120-2033
PHONE: (717) 787-3566
FAX: (717) 787-8060



DISTRICT OFFICE:

HARMAR
1331 FREEPORT ROAD
CHESWICK, PENNSYLVANIA 15024
PHONE: (724) 274-4770
FAX: (724) 274-8814

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

3012

July 23, 2013

The Honorable Silvan B. Lutkewitte, III, Chairman
Independent Regulatory Review Commission
Commonwealth of Pennsylvania
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: Regulation #16 - 56: Lobbying Disclosure Registration Fee

Dear Chairman Lutkewitte,

I am writing in response to the above referenced regulation (IRRC #3012), as proposed by the Department of State, which seeks an increase in the biennial lobbyist registration fee. If approved, the lobbyist registration fee would increase by 250% over the current registration fee and by 600% over the registration fee initially authorized in 2006.

While I truly believe that individuals and organizations engaged in professional lobbying must and should register and disclose their lobbying expenses, I also believe that individuals and organizations have the right to communicate with elected and appointed public officials to address their positions on proposed legislation and public policy. As a result, I do not believe it is in the public interest to implement a registration fee that would serve as an economic barrier to access to the legislative process.

The proposed registration fee is exorbitant and may result in anticipated and unanticipated consequences. The Department of State, in its Regulatory Analysis of the proposal, assumes that about one-third of current registrants would not reregister if the proposed fee is implemented. This could force some current registrants to change the way they operate to avoid the statutory threshold for registering in order to evade registration and payment of the registration fee. This is not acceptable.

2013 JUL 24 PM 12:01

RECEIVED
IRRC

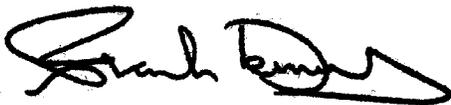
The lobbying community in this Commonwealth consists of persons who are corporate lobbyists associated with large wealthy corporations and law firms and persons associated with nonprofit organizations and small membership-based advocacy groups with limited financial resources. For the nonprofit organization and advocacy groups particularly, participating in the legislative process and having a say in policy debates is an appropriate and vital role because they generally work and speak on issues important to the Commonwealth's vulnerable and underserved communities. I believe that the proposed fee increase would impinge the ability of these groups to adequately access the legislative process, thereby adversely impacting their ability to engage in policy advocacy and effectively serve their constituencies.

I also question whether the fee increase would pass constitutional muster as it may infringe on free speech rights and the rights of the citizenry to petition their government. The proposed increase should be carefully evaluated with those rights in mind.

I fully understand that the General Assembly gave the Department of State the authority to make biennial inflation adjustments to the registration fee to cover the costs of carrying out the provisions of Act 134 of 2006 (65 Pa.C.S. §13A01 et seq.). However, in mandating the initial \$100.00 registration fee and biennial inflation adjustments, we did not intend to authorize unreasonable fee increases that would serve to define who or what organizations or entities in the regulated lobbying community would have access to the legislative process. I submit that the proposed fee increase is unconstitutional, unreasonable, contrary to the intent of the lobbying disclosure statute and, therefore, not in the public interest.

I thank you for the opportunity to comment in this matter.

Best regards,



Frank Dermody
Democratic Leader
33rd Legislative District

cc: Fiona Wilmarth, Director of Regulatory Review, IRRC
James Smith, Regulatory Analyst, IRRC
Caroline Bailey, Assistant Counsel, Department of State