

PREAMBLE

NOTICE OF PROPOSED RULEMAKING
TITLE 51-PUBLIC OFFICERS
LOBBYING DISCLOSURE REGULATIONS COMMITTEE

(51 Pa. Code Part III, Lobbying Disclosure, Chapters 51 - 65)

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The Lobbying Disclosure Regulations Committee (Committee) proposes to amend Title 51 by deleting Part II, Chapters 31 - 45 and by adopting Part III, Chapters 51 through 65, of 51 Pa. Code, as required by the Act of November 1, 2006, P.L. 1213, No. 134 (“act”), 65 Pa.C.S. § 1301-A, et seq. (relating to lobbying disclosure). The act provided for a new lobbying disclosure law, and repealed the Act of October 15, 1998 (P.L. 729, No. 93), known as the Lobbying Disclosure Act, 65 Pa.C.S. § 1300 et seq. Section 1310-A(d) of the act, 65 Pa.C.S. § 1310-A(d), requires comprehensive regulations to be promulgated by a committee comprised of the Attorney General, who is designated as the chairman of the Committee, the Chairman of the Pennsylvania State Ethics Commission (Commission), the chief counsel of the Disciplinary Board of the Supreme Court of Pennsylvania (Board), the Secretary of the Commonwealth, an individual appointed by the President Pro Tempore of the Senate, an individual appointed by the minority leader of the Senate, an individual appointed by the Speaker of the House of Representatives, an individual appointed by the minority leader of the House of Representatives, or their designees, and a lobbyist appointed by the Governor. The act also sets forth other requirements, which are also addressed in the proposed regulation.

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Purpose

This amendment sets forth regulations to establish, implement and administer a system for lobbying disclosure, in accordance with 65 Pa. C.S. § 1310-A(d), in addition to other requirements contained in the act.

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Description of Proposed Amendments

A description of the proposed rulemaking appears below.

(Preamble chapters will be inserted here.)

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Fiscal Impact and Paperwork Requirements

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Fiscal Impact

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Commonwealth:

The proposed rulemaking will impose an additional fiscal impact upon the Commonwealth and specifically upon the Office of Attorney General (OAG), the Department of State (Department), the Ethics Commission (Commission) and the Pennsylvania Supreme Court Disciplinary Board (Board). The OAG costs are derived from personnel, operating and program expenses (which include travel, office furnishings and real estate rental) needed for chairing the Committee and for investigating and prosecuting violations of the act. The Department costs are derived from administrative costs (which include the collection and processing of fees, registrations and reports), personnel and office expenses needed for staffing the Committee and fulfilling its obligations under the proposed rulemaking and the act. The Commission costs are derived from nonrecurring expenses which include new computer workstations and office furniture and recurring expenses such as staffing and travel expenses needed for being a member of the Committee and for conducting investigations and holding hearings related to alleged violations of the act. The Board's expenses are derived from potential cases and the funding will come from attorney registration fees.

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Local Government:

Local government will not have any expenses associated with these regulations. However, if a local government is required to register as a principal, the local government would have the cost of the registration fee, which is \$100, and would then be considered to be part of the regulated community.

Private Sector:

The regulated community will have expenses in the form of a registration fee which is \$100.

Paperwork Requirements

Commonwealth:

The proposed rulemaking will change the previous registering and reporting requirements. Because the previous Lobbying Disclosure Act was ruled unconstitutional in 2002 by the Pennsylvania Supreme Court, there were not any requirements for registering and reporting until the act went into effect on January 1, 2007. The proposed rulemaking, in accordance with the act, now requires that all registrations and reports for principals, lobbying firms and lobbyists be filed with the Department.

Local Government:

Local government will not have any paperwork requirements associated with this proposed rulemaking. However, if a local government is required to register as a principal and file expense reports, the local government would have paperwork requirements but would then be considered to be part of the regulated community.

Regulated Community:

The proposed rulemaking, in accordance with the act, requires that all principals, lobbying firms and lobbyists register with and report to the Department. Effective Date

The amendments will take effect upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

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Regulatory Review Act Requirements

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on _____, the Lobbying Disclosure Regulations Committee (Committee) submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate State Government Committee and the House State Government Committee. A copy of this material is available to the public upon request.

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Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Committee, the General Assembly and the Governor of comments, recommendations or objections raised.

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Contact Person

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