

April, 2009

The NewsPAGR

Pennsylvania Association for Government Relations

**Post Office Box 116 Harrisburg, Pennsylvania 17108
(717) 540-4391 Fax (717) 657-9708 www.pagr.org**

COMING IN THE FALL:



This year's educational forum will focus on the new lobbying regulations.

Details will be available soon!

THE PRESIDENT'S MESSAGE

by Peter Calcara



The Lobbying Disclosure Regulations Hail Mary

Watching developments unfold at the February 26th public hearing of the Independent Regulatory Review Commission (IRRC) was like watching your team lose on a Hail Mary pass after it lead the opposing team for the

entire game.

Disapproval of the revised final-form Lobbying Disclosure Regulations re-submitted by the Lobbying Disclosure Regulations Committee (LDRC) seemed once again to be a pretty good bet. Only last November, IRRC

voted 3 to 1 to disapprove (1 Abstention) the originally-submitted final-form regulations on the grounds that they exceeded the statutory authority of the Lobbying Disclosure Act (Act 134) by requiring registration and reporting when a lobbyist or lobbying firm was paid economic consideration by a principal and took no further action.

“...as we well know, staff recommendations are rejected by the IRRC Commissioners about once every other millennium!”

PAGR asserted in writing via letter dated February 23, 2009, and IRRC staff agreed at the hearing, the revised final-form regulations were not adequately aligned with the language of Act 134 and, therefore, disapproval was in order.

Moreover, as we well know, staff recommendations are rejected by the IRRC Commissioners about once every other millennium!

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Last Chance to order 2009/2010 Legislative Directories

PAGR ordered extra copies.

If you would like to order some, contact Christine at the PAGR office.

They will be sold on a first come basis.

Cost is \$7.50 each for PAGR members.

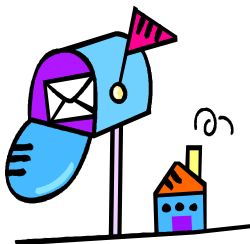
Directories should be available in April.

If you have already placed an order, be assured they will be delivered to you promptly, upon payment.

Final notices of your 2009 dues have been sent.

If you do not send payment by April 6, 2009, you will no longer receive member info or member discounts.

Thank you!



The President's Message continued from cover:

Attorney General Tom Corbett testified before IRRIC, urging that the revised regulations "move forward." General Corbett's last minute testimony in support of the revised final-form regulations was clearly the game-changer, though it did not seem so at the time. When questioned by IRRIC Commissioner John Mizner—a strong opponent of the originally-submitted final-form regulations back in November—General Corbett went so far to say, that he was prepared to defend the regulation, and would do so in court if need be!

It is worth noting that as a matter of law, it is the duty of the Attorney General to uphold and defend the constitutionality of all statutes as well as to represent the Commonwealth and all Commonwealth agencies in any legal action brought against the Commonwealth or its agencies. In light of this fact, General Corbett was not going too far out on a limb when he told IRRIC that he would defend Act 134 and its regulations. It is unfortunate that this fact was lost on IRRIC Commissioner John Mizner as well as Harrisburg's top-notch reporting community.

In testimony provided by PAGR representatives Judy Eschberger, past president and current board member, Michael Shields, PAGR counsel, and me, we urged IRRIC to disapprove the revised final-form regulations. Our message, which PAGR has consistently articulated, is that the regulations go beyond the statutory authority found in Act 134 – an interpretation consistent with that of IRRIC staff: The language found in the revised final-form regulations continued to exceed the plain reading of the statute.

Attorney General Corbett's testimony notwithstanding, as the IRRIC Commissioners prepared to vote on the revised final-form regulations, disapproval still seemed a good bet. IRRIC Chairman Arthur Coccodrilli, who voted to approve the originally-submitted final-form regulations in November, announced that he had a change of heart and concluded that the revised final-form regulations fell outside the scope of Act 134 and as such, he was going to vote to disapprove.

Then the Hail Mary pass was thrown! IRRIC Commissioner John Mizner, apparently was so swayed by Attorney General Corbett's promise to defend Act 134 and its regulations in court, that he said he was going to vote to Approve the revised final-form regulations. The tide had turned. The pass was in the air and the clock read 0:00!

Newly-appointed IRRIC Commissioner George Bedwick and IRRIC Commissioner Karen Miller capitulated and followed IRRIC Commissioner John Mizner's lead and stated they also intended to vote to approve the revised final-form regulations. Pass completed in the end zone! Game over! PAGR loses! The final vote was as follows: 3 votes to approve, 1 vote to disapprove with 1 abstention by IRRIC Commissioner Nancy Frantz.

IRRIC's decision to Approve the revised final-form regulations came as a shock to myself, Judy and Michael and, needless to say, we were, and are, extremely disappointed in IRRIC's decision. Despite our coming up short in the end, I am

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**WELCOME
NEW MEMBERS**

Chad Cope
PA STATE NURSES ASSN

Matthew J. DiLoreto
PA DENTAL ASSOCIATION

Garrett Gallia
HERSHEY ENTERTAINMENT
& RESORTS

Kara Grundel
PA RETAILERS ASSN

Westburn Majors
WOLF BLOCK
GOVERNMENT RELATIONS

Sean McAleer
PA CATHOLIC CONFERENCE

Julie McKenzie
CARNEGIE MELLON UNIV.

August Memmi
DAUPHIN COUNTY DEPT
COMMUNITY & ECONOMIC
DEVELOPMENT

Judith Schwank
10,000 FRIENDS of PA

Dan Sondles
WESTFIELD GROUP

Jennifer Strayer
NATIONAL MS SOCIETY

Letty D. Thall
MATERNITY CARE COALITION

Peter Yaffe
CAPITOL STRATEGIES
GROUP

Meeting Notice

Monday April 6, 2009

11:30—1:00 pm

Firehouse Restaurant

Third Floor

606 N. 2nd Street • Harrisburg

Our guests will be from the Department of State,

Larry Boyle

Deputy Chief Counsel

Chet Harhut

Commissioner of Ethics

THIS IS A MEMBERS-ONLY EVENT!

You must have your 2009 Dues paid to attend.

ALL MEMBERS ARE FREE!

PLEASE RSVP BY April 3 TO

717-540-4391 OR INFO@PAGR.ORG.

THANK YOU.

2009 Board of Directors

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The President's Message continued from page 2:

proud to say that throughout this long process, which started about 18 months ago, PAGR had maintained a credible, consistent voice for our members and our profession. At every point in the process, PAGR offered constructive, consistent and legally cogent comments and suggestions for the LDRC and IRRC to consider.

So you must be asking yourself the question: What is next?

The LDRC is now required under Act 134 to prepare and publish a user's manual setting forth guidelines for accounting and reporting. This manual will offer added guidance and provide real-world examples for the regulated community to follow when reporting expenses for lobbying activities as well as gifts, hospitality, transportation or lodging to the Department of State.

Also, at our April 6th membership luncheon, we have invited representatives from the Department of State to give a brief presentation discussing the approved revised final-form Regulations. There will also be a short "Questions & Answers" period following the presentation. This presentation will likely be the first in a series of educational outreach efforts by PAGR so that our members can get a better understanding of Act 134 and its accompanying Regulations.

Hope to see you all on April 6th. ☺

The mission statement of the Pennsylvania Association for Government Relations, Inc. (PAGR) is to promote the purpose and effectiveness of the lobbying profession consistent with the public interest. Further, association members encourage high standards of personal and professional conduct among all lobbyists. ☺