

President's Message

by Judith Eschberger, Esq.

What's New in Lobbying Disclosure...

In an earlier President's message, I discussed the fact that the 1998 Lobbying Disclosure Act had been found unconstitutional and the Senate had enacted a resolution to require a lobbyist to register with the Senate and report expenses on a quarterly basis. During the development of the registration and reporting forms, the Senate indicated that they would like a law passed by the House and Senate that regulated lobbying in Pennsylvania. On June 30, 2003, Representative Maher introduced House Bill 1770 which reenacts the Lobbying Disclosure Act with various modifications.

The House State Government Committee had a workshop today, (August 19, 2003), to discuss the concerns of the Committee as well as stakeholders. Ted Mowatt, the Immediate Past President and I were invited to represent PAGR, a lawyer and non-lawyer lobbyist were included as well as two Common Cause representatives and written comments from the ACLU.

Some of the issues that were discussed include:

- shifting the duty to register and report expenses from the lobbyist to the principal;
- the parameters of the Gmerek decision and whether there was a constitutional way to require lobbyists, including lawyer lobbyists, to register and report;
- eliminating the distinction between direct and indirect communications as separate categories and replacing them with a definition of reportable communications to capture the same activities;
- the definition of lobbying and whether it should include the attempt to influence both legislative and administrative actions;
- modifications to the exemptions section, in general;
- requiring that a percentage of an individual's time be used as a threshold for the exemption as opposed to the \$2,500 limitation;
- whether "first penny" disclosure should be required;
- whether "office and personnel" expenses should be excluded from reporting as they are in this bill;
- whether the word "cost" should be used to gauge the amount spent or "good faith estimate" and whether the Ethics Commission should continue to administer the law or some other group within the Department of State.

Representative Maher stated that he believes that "sunshine" is important, but should not be so complicated that it discourages compliance with the law. He said that he believes that there should be a reasonable threshold of reporting so as not to create a burden upon the public that chooses to participate in the process. Representative Clymer indicated that the Committee is going to consider today's discussion and draft some proposed changes to the bill which will be discussed by the same group at a meeting in approximately one month.

As always, I welcome your suggestions and ideas regarding this important issue.

2003 Starner-Spitalny Memorial Golf Outing

The 2003 Starner-Spitalny Memorial Golf Outing is Tuesday, September 16th

At Felicita Resort

8:30 Am Shotgun Start

Meeting Notice

Monday, October 6th

11:30 AM-12:30 PM

Firehouse Restaurant (on the newly remodeled, private, third floor)

606 N. 2nd Street

Harrisburg

Our guests will be Superior Court Candidates.

PLEASE NOTE NEW MEETING POLICY: All attendees will now be charged for lunch at membership meetings. If you RSVP prior to the meeting, you will be charged just \$5 at the door. If you do not RSVP by Friday, October 3rd, you will be charged \$10 at the door. Thank you for your cooperation.

New Members

Tom Armstrong
PA Manufacturers' Association

James G. Mann
Milliron Associates

Margaret Baumhauer
Graphics Art Association

John Quigley
Citizen's for Pennsylvania's Future

Vito Gallo
Lehigh University

Gretchen Ramsey
PA Chamber of Business & Industry

Beth Light
S.R. Wojdak & Associates

Lauren Wozniak
Capital Associates

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