

PROPOSED RULEMAKINGS

DEPARTMENT OF STATE

[51 PA. CODE CH. 53]

Lobbying Disclosure Registration Fee

The Department of State (Department) proposes to amend § 53.1 (relating to biennial filing fee) to read as set forth in Annex A. The proposed rulemaking increases the biennial registration fee for individuals and entities required to be registered under 65 Pa.C.S. Chapter 13A (relating to lobbying disclosure) (act) from \$200 to \$700.

Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*. It is expected that the increased fees will be implemented for the 2015-2016 registration period.

Statutory Authority

Section 13A08(j) of the act (relating to administration) provides that the Department may by regulation adjust the filing fee established under section 13A10 of the act (relating to registration fees; fund established; system; regulations) if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act.

Purpose

The act originally set the registration fee at \$100 in 2006. However, section 13A08(j) of the act permits the fee to be raised by regulation if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. The current registration fee of \$200 was established in the final-form rulemaking published at 40 Pa.B. 3825 (July 10, 2010). At that time, the Department acknowledged that the \$200 fee did not cover the expenses associated with administration of the act.

For the 2007-2008 biennial registration period, the Department's costs for administering the act were approximately \$1,052,105 and the registration fees paid to the Department at that time were approximately \$581,438. For 2009-2010 biennial registration period, the Department's costs were approximately \$1,384,015 and the registration fees collected were approximately \$322,509. For the 2011-2012 registration period, the Department's costs were approximately \$1,800,394. The biennial registration fee was raised to \$200 for the 2011-2012 registration period and the amount of fees collected were approximately \$733,879. For the 2013-2014 registration period, it is projected that the Department will spend approximately \$1,779,000 to administer the act while the registration fees collected will be approximately \$650,000. From 2007 to 2014, the Department will have spent approximately \$6,015,516 to administer the act while collecting approximately \$2,287,828 in revenue received from registration fees. In that same time period (2007-2014), the Department will have used approximately \$3,564,767 from the General Fund, which covers 60% of the Department's total cost in administering the act.

The act states that the Department may raise the fee to cover the costs of carrying out the act. If the fee is raised to \$700, the Department will no longer require moneys from the General Fund to cover these costs. Therefore, administration of the act will be funded entirely by the regulated community as opposed to taxpayers of this Commonwealth.

Description of Proposed Rulemaking

Based upon the expense and revenue estimates provided, the Department proposes to amend § 53.1(a)(1) to increase the biennial registration fee for individuals and entities required to be registered under the act from \$200 to \$700. The increased registration fee will go into effect for the 2015-2016 registration period. The increase in the registration fee will shift the bulk of the costs of administering the act from the taxpayers to the regulated community as the General Assembly provided.

Fiscal Impact

The proposed rulemaking will increase the biennial registration fee for individuals and entities required to be registered under the act. The Department estimates there will be 3,158 registrants that will be required to pay the increased fee in 2015-2016 and thereafter. Small businesses that are members of the regulated community or individuals employed by small businesses will be impacted by the proposed rulemaking. The proposed rulemaking should not have other adverse fiscal impact on the private sector, the general public, the Commonwealth or political subdivisions. However, if a local government is required to register as a principal, the local government would have the cost of the increased registration fee and would then be considered to be part of the regulated community.

Sunset Date

The act provides that the Department may by regulation adjust the filing fee if the Department determines that a higher fee is needed to cover the costs of carrying out the provisions of the act. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 20, 2013, the Department 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 House and Senate State Government Committees. A copy of this material is available to the public upon request.

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 Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Caroline A. Bailey, Assistant Counsel,

Department of State, 210 North Office Building, Harrisburg, PA 17120 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

CAROL AICHELE,
Secretary

Fiscal Note: 16-56. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 51. PUBLIC OFFICERS

PART III. LOBBYING DISCLOSURE

CHAPTER 53. REGISTRATION AND TERMINATION

§ 53.1. Biennial filing fee.

(a) Under section 13A10(a) of the act (relating to registration fees; fund established; system; regulations), a principal, lobbying firm or lobbyist required to be registered under the act shall pay a biennial filing fee of \$100 to the Department, made payable to the "Commonwealth of Pennsylvania." As of January 1, 2011, the biennial filing fee will be \$200. **As of January 1, 2015, the biennial filing fee will be \$700.**

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[Pa.B. Doc. No. 13-993. Filed for public inspection May 31, 2013, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 231]

Intrastate Motor Carrier Safety Requirements

The Department of Transportation, under the authority in 75 Pa.C.S. §§ 4704 and 6103 (relating to inspection by police or Commonwealth personnel; and promulgation of rules and regulations by department), proposes to amend Chapter 231 (relating to intrastate motor carrier safety requirements) to read as set forth in Annex A.

Purpose of Chapter

The purpose of Chapter 231 is to prescribe the minimum requirements and qualifications for drivers, vehicles and other matters relating to the intrastate operation of commercial vehicles. In April 2010, the Department amended the intrastate motor carrier safety regulations to comply with the Federal motor carrier safety regulations.

Purpose of the Proposed Rulemaking

The purpose of this proposed rulemaking is to provide the Governor with greater flexibility to waive specified provisions of the regulation and retain other provisions as effective in dealing with circumstances warranting a declaration of emergency.

Summary of Significant Amendments

This proposed rulemaking adds language to incorporated 49 CFR 390.23(a) (relating to relief from regulations) that will permit the Governor, in issuing a declaration of emergency, to waive specified provisions of the regulation as necessary to deal with the specifics of an emergency. Under the current regulation, the Governor's declaration of emergency waives the provisions of the

chapter. The ability to issue a limited waiver of the regulation will ensure that the emergent conditions can be addressed by waiver of specified provisions without wholesale abandonment of other safety provisions in the regulations which do not need to be waived to address the emergency.

Persons and Entities Affected

This proposed rulemaking will affect commercial drivers when circumstances prompt a declaration of emergency by the Governor.

Fiscal Impact

Implementation of this proposed rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. This proposed rulemaking will not impose additional costs on the regulated community.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 22, 2012, the Department 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 House and Senate Transportation Committees. A copy of this material is available to the public upon request.

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 Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Sunset Provisions

This proposed rulemaking will be effective upon final-form publication following appropriate evaluation of comments, suggestions or objections received during the public comment period. The Department is not establishing a sunset date for this regulation, since this regulation is needed to administer provisions required under 75 Pa. Code (relating to Vehicle Code). The Department, however, will continue to closely monitor the regulation for effectiveness.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Daryl St. Clair, Bureau of Maintenance and Operations, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17105 within 30 days of the publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed rulemaking is Daryl St. Clair, 400 North Street, 6th Floor, Commonwealth Keystone Building, Harrisburg, PA 17105, (717) 214-1883, dstclair@pa.gov.

BARRY J. SCHOCH, P.E.,
Secretary

Fiscal Note: 18-432. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

CHAPTER 231. INTRASTATE MOTOR CARRIER SAFETY REQUIREMENTS

Subchapter A. GENERAL

§ 231.8 Additions or modifications to 49 CFR.

As stated in § 231.7 (relating to adoption of portions of 49 CFR by reference), this chapter generally incorporates 49 CFR Parts 382, 385, 390, 391, 392, 393, 395 and 396. The following modification, additions and deletions to those parts apply:

* * * * *

(16) 49 CFR 390.23(a) (relating to relief from regulations) is modified to read as follows:

(a) Some or all of Parts 390 through 399 of this chapter shall not apply to any motor carrier or driver operating a commercial motor vehicle to provide emergency relief during an emergency, subject to the following limitations:

(1) *Regional emergencies.*

(i) The exemption provided by paragraph (a)(1) of this section is effective only when:

(A) An emergency has been declared by the President of the United States, the Governor of a State, or their authorized representatives having authority to declare emergencies; or

* * * * *

(iii) A declaration of emergency by a Governor of a State may limit the exemption provided by paragraph (a)(1) of this section to specified provisions of Parts 390 through 399 of this chapter.

[Pa.B. Doc. No. 13-994. Filed for public inspection May 31, 2013, 9:00 a.m.]