

Minutes
Indiana Lobby Registration Commission
December 10, 2010
11:00 AM
10 W. Market, Conference Room, Third Floor

Members present: Jan Abbs, Scott Mellinger, Sue Scholer, John Whikehart

Member absent: None

Staff present: Sarah Nagy, Executive Director/Counsel.

Call to Order

On December 10, 2010, the public meeting of the Indiana Lobby Registration Commission was called to order at approximately 11:05 a.m. by the Chairman of the Commission, Jan Abbs.

Minutes

The first order of business was consideration of the minutes. The Executive Director/Counsel distributed proposed minutes of the September 30, 2010 public meeting in a new format not used previously. Due to the fact that the minutes had not been provided prior to the meeting, that a new format was being proposed, and that there were several items of business to be addressed, the Commissioners unanimously consented to postponing consideration of the minutes to the next following public meeting.

Action Items

The Chairman reviewed the meeting agenda advising that the primary focus of the Commission would continue to be on implementing changes made to the lobby registration statute in the 2010 Regular Session of the General Assembly. It was noted that while several items were addressed at the prior meeting, there continued to be questions due to the lack of a report identifying matters resolved and questions outstanding. The following items were then addressed and resolved by the Commission:

1. The change in reporting thresholds taking effect on November 1, 2010, during a reporting period under IC 2-7-3-3 and IC 2-7-3-3.3.
 - a. The calculation is to continue be made on a calendar year basis.
 - b. The prior thresholds will apply through October 31, 2010, and be reported as appropriate on the first activity report.
 - c. A calculation shall also be made for the period November 1, 2010 to December 21, 2010, applying the new thresholds.
 - d. Beginning January 1, 2011, a new reporting period will begin and the new thresholds will apply.

2. The gift reporting provisions of IC 2-7-3-3(f) require that a gift report be made by a lobbyist within 15 days of making a gift and that the gift report must be held for 10 business days before being made public, while also mandating that the Commission provide each legislator a report of gifts made to him or her during the prior calendar year by January 7.
 - a. The January 7 report shall be made including all gift reports made during the prior calendar year that have been held by the Commission for the minimum 10 business days.
 - b. Legislators shall be advised that the January 7 report may be supplemented for gifts made in December.
 - c. A supplemental report shall be issued in February, if needed, to advise legislators of reports of gifts made in December which could not be reported January 7 due to the 15 days allowed for the filing of a report and/or to allow completion of the holding period of 10 business days.
3. The new IC 2-7-3-3.5 contains a subsection (h) which identifies items not to be included on an activity report.
 - a. Subsection (h) must be read in the context of the new section of which it is a part.
 - b. There is no logic to concluding that all the reporting obligations addressed in the other subsections of IC 2-7-3-3.5 are to be abrogated by subsection (h).
 - c. Subsection (h) will be applied so that gifts and expenditures made to enable participation in the listed activities are not included on an activity report.
4. IC 2-7-5-8 requires that a lobbyist obtain a legislator's consent to receive a gift, but does not specify the form or timing of the consent.
 - a. The Commission may require that a lobbyist provide proof that consent was obtained from the appropriate legislator for each gift made by the lobbyist during any proper inquiry including but not limited to a random audit.
 - b. The individual legislator may choose the form of the consent to be given.
 - c. Confirmation by the legislator of the consent will be accepted as the required proof.
 - d. A consent made in writing and dated by the legislator will be accepted as the required proof without having to be confirmed.

Next addressed were the changes to the forms required by the changes in the Lobby Registration statute. For the first time, draft forms were provided to the Commission by the Executive Director/Counsel. She reviewed the changes that were proposed to the forms. The Commissioners discussed the information presented and the process for completing the forms. The forms were distributed to the attendees for comment. Based on the discussion, the Chairman directed that the Executive Director/Counsel work with representatives of the lobbyists to make the necessary and appropriate changes to the forms by December 15, 2010. The forms were to be available for use by the lobbyists beginning the week of December 20, 2010.

Questions regarding the Lobby Registration statute were then taken from the public.

The request for a formal advisory opinion was then taken up. The Executive Director described the request and responded to questions from the Commissioners. Following discussion, the Commission determined that the request should be tabled until the next following public meeting of the Commission.

Staff Report

The only matter addressed in the staff report was the lobbyist training session that had to be postponed. The Executive Director advised that the training session was now scheduled for December 20, 2010. The purpose of the training session and information to be presented were discussed by the Commissioners.

The meeting was then open for public comments.

Adjournment

There being no further business to come before the Commission, Chairperson Abbs adjourned the meeting at approximately 12:45 p.m.