

Minutes
Indiana Lobby Registration Commission
Public Meeting
May 21, 2012 2:30 p.m.
10 W. Market Street, Conference Room 270
Indianapolis, Indiana 46204

Members Present: Jan Abbs, Sue Scholer, John Whikehart, and Joe Micon

Member Unable to Attend: None

Staff Present: Charles Harris, Executive Director & General Counsel, Amy Nicholson, Assistant Director, and Shannon Moore, Executive Assistant

Others in Attendance: Caryl Auslander, Robin Beck, Christi Heiney, Andrew Hoff, Laura Schenkel Johnson, Bonnie Lewis, Ashley Miller, Jana Noble, and Debbie Rolfsen

Call to Order

On May 21, 2012, the public meeting of the Indiana Lobby Registration Commission was called to order at approximately 2:33 p.m. by the Chairperson of the Commission, Jan Abbs.

Approval of Minutes

Commissioner Scholer moved approval of the minutes of the Commission's Public Meeting held on March 6, 2012. Her motion was seconded by Commissioner Whikehart and approved by a voice vote of the Commissioners.

Report on Late Fees

Mr. Harris reported that the five pending appeals of late fees were successfully resolved by staff by applying the guidelines approved by the Commission at its March 6, 2012 meeting. He said that late fees of \$1,500 have been collected from the five lobbyists, and there were no other pending appeals to come before the Commission at this time.

Reports on Fiscal Year 2011-2012 Budget and Revenues

Mr. Harris provided an update concerning the Commission's budget for fiscal year 2011-2012. He indicated that the Commission now has an estimated internal reserve of just under \$4,700, which is in addition to the \$8,168 that is being held in reserve by the State Budget Agency from the Commission's FY 2011-2012 appropriation of \$271,910.

Amy Nicholson reported to the Commission on revenue collected during fiscal year 2011-2012 from registration and late fees. She said that a total of \$200,910 has been collected,

with \$105,235 coming from those who file on-line and the remaining \$95,675 coming from those who submit paper filings.

Consideration of Salary Adjustments for Fiscal Year 2012-2013

Chairperson Abbs called on Mr. Harris to present his recommendations for staff salary adjustments for fiscal year 2012-2013. Mr. Harris recommended that Amy Nicholson's annual salary be increased to \$59,800 and that Shannon Moore's annual salary be increased to \$26,000 beginning with the July 3, 2012 pay date. He also recommended that he be authorized to approve an additional increase of \$500 in Shannon's annual salary as she assumes additional responsibilities under an expanded position description. Commissioner Scholer moved approval of the salary adjustments as recommended by Mr. Harris, and Commissioner Micon seconded her motion. The motion was then approved by a voice vote of the Commissioners. Chairperson Abbs said that the Commission had met in executive session before the public meeting to discuss job performance evaluations of individual employees and that no other business was discussed nor was any action taken by the Commission during the executive session.

Consideration of Budget for Fiscal Year 2012-2013

The Commissioners next considered the proposed budget for the Commission for fiscal year 2012-2013. Mr. Harris noted that the proposed budget calls for holding 3% of the Commission's \$271,910 appropriation for the fiscal year, which equates to \$8,157, in an internal reserve. He emphasized that funds held in the Commission's internal reserve would be available to address other needs that may arise during the fiscal year. Mr. Harris said that he has advised one of the Deputy Budget Directors that it is inappropriate for the Budget Agency to allot less than 100% of the Commission's appropriation as has been the Budget Agency's practice in recent years. Mr. Harris pointed out that the Budget Agency does not treat any other legislative branch entity in that manner. Commissioner Whitehart moved approval of the proposed budget, and Commissioner Scholer seconded his motion. The motion was then approved by a voice vote of the Commissioners. A copy of the budget as approved by the Commission is attached to these minutes.

Discussion of Procedures for Issuance of Informal Advice and Formal Advisory Opinions

Mr. Harris summarized the policies for issuance of informal oral and written advice to lobbyists by the Executive Director and General Counsel as set forth in the Commission's Final Advisory Opinion (FAO) 99-03. He emphasized that advice that he provides does not represent the official position of the Commission and cannot be relied upon as such.

Mr. Harris then reviewed the detailed process provided for issuance of an advisory opinion by the Commission under FAO 97-05. He said that the amount of time it takes for the Commission to issue a FAO under that process may be why the requests that come in are for informal guidance and why the Commission has not issued a FAO in over nine years. During the discussion of this subject, some of the lobbyists in attendance suggested that it might be helpful

for staff to post on the Commission's website a compilation of more frequently asked questions and the Executive Director and General Counsel's response to those questions. It was agreed that staff will prepare a draft of such a question and answer format for consideration by the Commission at its next meeting. The Commission also directed the Executive Director and General Counsel to compare the process for issuance of a FAO by the Commission with the current process for issuance of administrative rules. In particular, the Commission expressed interest in knowing if there have been recent changes in the rule making process that could be used as a model for changes in the Commission's process for issuance of a FAO.

Report on Upgrades to Commission's On-Line System

Amy Nicholson and Andrew Hoff reported on the status of efforts to upgrade the Commission's on-line system, which includes both registration and reporting components. Andrew is employed by Indiana Interactive LLC, which operates IN.gov under a contract with the state. Amy and Andrew said that the plan is to have applications for on-line gift reports and purchase reports operational by early June. Andrew then said that the estimated time frame for the project to rebuild the Commission's 14 year old on-line system is six to nine months. Amy pointed out that the rebuild project is on hold until a funding source can be identified. Amy and Andrew then distributed information about one potential funding source, which is a revised fee structure for lobbyists who utilize the on-line system. This led to a spirited discussion among Commissioners, lobbyists in attendance, and staff. Commissioners Abbs and Scholer questioned if such a revision to the fee structure would lead to fewer lobbyists filing on line and thus frustrate efforts to move in the opposite direction. During this discussion, Amy pointed out that the source code for the Commission's on-line system is owned by Indiana Interactive LLC and that it has not received any compensation its time and effort in making changes to the system necessitated by the 2010 amendments to IC 2-7.

Following this discussion, Chairperson Abbs directed staff to do the following:

- (1) review the Commission's budget to determine if there are any available funds that could be used to help pay for the rebuild project;
- (2) review the Commission's statute to determine if it has the authority to require lobbyists to use the on-line system rather than filing paper documents; and
- (3) provide the Commission with more detailed information about the proposed rebuild project.

Staff Reports

Amy Nicholson provided the Commissioners with a handout that includes information about the number of registered lobbyists for 2012 and the expenditures reported by lobbyists for the 2010-2011 reporting year (November 1, 2010 through October 31, 2011). A copy of Amy's handout is attached to these minutes.

Call for Comments

Chairperson Abbs called for any additional comments from the Commissioners and others in attendance. No additional comments were made.

Adjournment

There being no further business to come before the Commission, Chairperson Abbs adjourned the meeting at approximately 3:50 p.m.