

ACEC

AMERICAN COUNCIL OF ENGINEERING COMPANIES

of Indiana

ACEC Indiana *Short List*

Vol. 2, Number 3
March 2006
55 Monument Circle, Suite 819
Indianapolis, IN 46204
317-637-3563
Fax 317-637-9968
www.acecindiana.org
Email staff@acecindiana.org

Upcoming Events

April 11, 2006
New Colts Stadium
Presentation
Luncheon
Indianapolis

May 23, 2006
Health Savings
Account
Luncheon

June 5-16, 2006
NHI Safety Inspection of
In-Service
Bridge Training
Indianapolis

For more information, go to
www.acecindiana.org

Member Benefit

Special dues incentive offered for new members only! Pay 1/3 of dues in Year 1, 2/3 of dues in Year 2, and full dues starting in Year 3. Take advantage of the great programs, benefits and networking that ACEC Indiana offers.

To be included in the ACEC Indiana 2007 Member Directory, new member applications must be received by July 31, 2006.

For information on other member benefits, visit the ACEC Indiana Website
www.acecindiana.org

Indiana Executive Branch Lobby Rule Now In Effect! Doing business with state agencies may require "registration" by some employees



ACEC
Indiana
Legal
Counsel

Greg Cafouros, P.E., J.D.
Kroger, Gardis & Regas

The Indiana Department of Administration enacted a new rule on "Executive Branch" lobbying in January 2006.

ACEC Indiana's legal counsel, Greg Cafouros, Kroger, Gardis and Regas, prepared a summary of the rule promulgated as 25 IAC 6, governing executive branch lobbying. A full summary of the new rules is available on the "members-only" section of the ACEC Indiana website:
www.acecindiana.org

Highlights of the summary are below to give you a snapshot of the new rule. Neither the highlights or summary are intended to replace the necessity of reading that rule in its entirety in attempting to determine if or how the new rule will affect you or those who work for you.

To read the rule, go to:
http://www.in.gov/idoa/eblr/lsa_05_123.pdf

SUMMARY:

Simply put, an executive branch lobbyist is an individual who is paid more than \$1,000 in a calendar year to:

(1) obtain the award of a contract, lease or other financial arrangement by an agency of the state on behalf of the person employing or retaining the individual or (2) influence an agency of the state in its rulemaking process. Local units of government, i.e. municipal corporations, including school corporations, are not agencies of the state government and therefore are not subject to the registration rule.

Individuals, employed or retained, that are responding openly and publicly to a solicitation by a state agency for those interested in obtaining an award of a contract, lease or other financial arrangement are exempt from registration. Registration is also not required for an individual, employed or retained, who is responding publicly or privately pursuant to an agency request for testimony or communication - this includes, for example, presentations made at a public hearing called to take testimony and written comment on a proposed rule published in the Indiana Register.

The rule took effect on January 1, 2006. It requires all persons who engage in "executive branch lobbying" to register as such with the State Department of Administration within 15 days for the initial contact with the state agency being "lobbied." Em-

ployers who retain others to act in their behalf are also required to register. Registered "executive branch lobbyists" will be required to file "annual reports," the first of those being due January 15, 2007. Eventually, registration and reporting may be conducted electronically via the Web. Registration forms are available for download from the Department of Administration Web site,
<http://www.state.in.us/idoa/>

CONCLUSION:

The executive branch lobbying registration rule is designed to provide the public information respecting actions taken by employers and other parties in interest that are, by their very nature, non-public, unsolicited by the agency, designed to influence decision-making and outcomes, and, most importantly, involve the payment of sums of money, often large, to those conducting such activity. The rule seeks to balance the need for transparency of special interest interaction with government and the needs of parties to legitimately interact with government, and for the government to act with integrity and in a forthright manner.

**KROGER
GARDIS
& REGAS**
ATTORNEYS AT LAW

 *ACEC Indiana*

1 Virginia Ave., Suite 250
Indianapolis, IN 46204