

January 29, 1998

HOUSE BILL No. 1326

DIGEST OF HB 1326 (Updated January 28, 1998 6:04 pm - DI 38)

Citations Affected: IC 2-2.1; IC 2-7; IC 3-9; IC 3-14; IC 4-2; IC 4-30; IC 4-31; IC 4-33; IC 5-21; IC 6-8.1; noncode.

Synopsis: Legislative ethics. Requires a legislative statement of economic interest to be filed before January 15 of each year. Requires a legislative statement of economic interest to report the following information: (1) The names and nature of business of each employer of the reporting individual and the individual's spouse. (2) The name and nature of each business enterprise in which the reporting individual or the reporting individual's spouse has an interest of at least \$10,000. (3) The name of any person or entity on whose behalf the reporting individual has appeared before, contacted, or transacted business with
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Effective: June 30, 1998; July 1, 1998; January 1, 1999.

Gregg

January 13, 1998, read first time and referred to Committee on Rules and Legislative Procedures.
January 28, 1998, amended, reported — Do Pass.

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any state agency; the name of the state agency; the nature of the appearance, contact, or transaction; and any cause number. Requires a legislative statement of economic interest to be kept for five years after the year for which the statement was filed. Requires the Indiana lobby registration commission to provide a list of lobbyists to legislators before December 1 of each year. (Current law requires the list to be provided before July 1 of each year.) Requires the clerk of the house of representatives and the secretary of the senate to prescribe the form of the statement of financial interests for their respective houses. Provides that a legislative ethics committee may issue advisory opinions at the request of a member of the house for which the committee is established. Provides that the substance of the request and any opinion rendered is public information. Changes the term of office of members of the lobby registration commission from four years to two years. Staggers the terms of commission members. Provides that during a member's term of office, a commission member may not solicit or accept political contributions for candidates for election to the general assembly. Requires that a commission member must file a statement of the member's economic interests. Increases the annual registration fee for lobbyists who are not nonprofit organizations from \$100 to \$250. Provides that lobbyists must file activity reports quarterly rather than semiannually. Increases the penalty for a lobbyist filing a late registration statement or activity report from \$10 per day to \$25 per day. Increases the cap on the late fee from \$100 to \$1,000. Requires lobbyists to report gifts given to legislators and candidates for legislative office. Reduces the threshold at which lobbyists must report annual aggregate gifts or expenditures from \$500 to \$250. Requires a lobbyist to provide certain itemized information about each reportable expenditure or gift. Specifies that an expenditure made in the ordinary course of a legislative member's business or a legislative member's spouse's business is not required to be included in the itemized information provided by a lobbyist. Requires records supporting lobbyist reports to be maintained for five years rather than four years. Provides that from organization day through sine die adjournment of a long session of the general assembly, members of the general assembly, candidate committees, and legislative caucus committees may not solicit or accept campaign contributions or conduct other fundraising activities. (Under current law, candidates for election to the general assembly are also prohibited from soliciting and accepting campaign contributions and from conducting fundraising activities. Under current law, the prohibited period for fundraising begins on the first session day in January.) Provides that lobbyists may not make campaign contributions or conduct other fundraising activities during the long session. Provides that a member of the general assembly who violates this provision is subject to a civil penalty of \$500 plus the amount of any contributions accepted by the member. Provides that a lobbyist who violates the prohibition is subject to a civil penalty of \$500. (Under current law, there is a mandatory penalty of the greater of twice the amount of the contribution or \$1,000. Under current law, the prohibition does not extend to lobbyists.) Removes the cap on civil penalties imposed for delinquent campaign finance reports. Provides that civil penalties under the campaign finance law may be collected as a debt from tax refunds owed to the person assessed the penalties. Provides that certain contractors with the state lottery commission and certain persons who have an interest in pari-mutuel wagering or riverboat gaming may not make political contributions to candidates (other than candidates for federal office) or to political committees. Provides that a violation is a Class D felony. Requires the clerk of the house, the secretary of the senate, the election division of the secretary

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of state's office, the lobby registration commission, and the state ethics commission to create searchable data bases containing all campaign finance reports or government ethics reports that are filed with any of the agencies. Requires these agencies to make the reports available to the intelenet commission for access on the Internet. Establishes the government ethics information fund consisting of certain lobby registration fees and civil penalties assessed by the lobby registration commission, the state ethics commission, and the Indiana election commission (for certain campaign finance violations). Appropriates the money in the fund to support development and maintenance of the information data bases. Repeals superseded statutes.

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January 29, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1326

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-2.1-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this
3 chapter, and unless the context clearly denotes otherwise:
4 (a) "Close relative" means a person related to the person filing the
5 statement or to his spouse as a son, daughter, grandson, granddaughter,
6 great-grandson, great-granddaughter, father, mother, grandfather,
7 grandmother, great-grandfather, greatgrandmother, brother, sister,
8 nephew, niece, uncle, or aunt. Relatives by adoption, half-blood,
9 marriage, or remarriage shall be treated as relatives of whole kinship.
10 (b) (1) "Committee" means the house legislative ethics
11 committee, or the senate legislative ethics committee, or both of
12 them.
13 (c) (2) "Compensation" means any money, thing of value, or
14 economic benefit conferred on, or received by, any person in
15 return for services rendered, or for services to be rendered,

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- 1 whether by that person or another.
- 2 (d) "Contribution" means any advance, conveyance, deposit,
3 distribution, transfer of funds, loan, payment, gift, pledge, or
4 subscription of money or anything of value, and any contract,
5 agreement, promise, or other obligation, whether or not legally
6 enforceable, to make a contribution in support of any candidate for the
7 house of representatives or senate. The term "contribution" does not
8 include services by speakers, writers, publishers, or others for which no
9 compensation is asked or given.
- 10 (e) (3) "Employer" means any person or entity from whom the
11 member of or candidate for the general assembly or his spouse
12 received more than thirty-three percent (33%) of his
13 nonlegislative income.
- 14 (f) "Family business" means a corporation in which the member
15 of or candidate for the general assembly and his spouse own at least
16 eighty percent (80%) of the voting stock, regardless of whether all or
17 a portion is owned jointly or severally:
- 18 (g) (4) "House" means the Indiana house of representatives.
- 19 (h) (5) "Information of a confidential nature" means information
20 obtained by reason of the position or office held and which
21 information has not been, or will not be, communicated to the
22 general public.
- 23 (i) (6) "Legislative matter" means any bill, resolution, or other
24 issue or proposal presented in, or considered by, the house or
25 senate or any committee or subcommittee thereof.
- 26 (j) "Lobbyist" means any person, firm, corporation, limited
27 liability company, or association registered under IC 2-7-2.
- 28 (k) (7) "Person or entity" means any individual, proprietorship,
29 limited liability company, partnership, unincorporated
30 association, trust, business trust, group, or corporation, whether
31 or not operated for profit, or a governmental agency or political
32 subdivision.
- 33 (l) (8) "Senate" means the Indiana senate.
- 34 (m) (9) "State agency" means any department, commission,
35 council, board, bureau, division, service, office, officer,
36 administration, or other establishment in the executive or
37 administrative branch of state government. The term "state
38 agency" does not include state supported colleges or universities
39 or the agencies of any municipality or political subdivision of the
40 state.
- 41 (n) The masculine gender includes the masculine and feminine.
- 42 (o) The singular form of any noun includes the plural wherever

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1 appropriate.

2 SECTION 2. IC 2-2.1-3-2, AS AMENDED BY P.L.3-1997,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 1998]: Sec. 2. (a) Not later than ~~seven (7) calendar days~~
5 ~~following the first session day~~ in January **15** of each year every member
6 of the general assembly shall file with the principal clerk of the house
7 or secretary of the senate, respectively, a written statement of the
8 member's or candidate's economic interests for the preceding calendar
9 year listing the following:

10 (1) The **following information about the reporting**
11 **individual's sources of compensation and the sources of**
12 **compensation of the reporting individual's spouse:**

13 (A) The name of the member's or candidate's employer and
14 the employer of the member's or candidate's spouse. ~~and~~

15 (B) The nature of the employer's business.

16 The house of representatives and senate need not be listed as an
17 **employer a source of compensation.**

18 (2) The **following information regarding the business**
19 **interests of the reporting individual and the reporting**
20 **individual's spouse:**

21 (A) The name of any sole proprietorship, owned or
22 professional practice operated by the member or candidate
23 or the member's or candidate's spouse and **each person or**
24 **entity in which the reporting individual or the reporting**
25 **individual's spouse has an interest with a value of at**
26 **least ten thousand dollars (\$10,000).**

27 (B) The nature of the business: **each person or entity**
28 **disclosed under clause (A).**

29 (3) The name of any partnership of which the member or
30 candidate or the member's or candidate's spouse is a member and
31 the nature of the partnership's business:

32 (4) The name of any corporation of which the member or
33 candidate or the member's or candidate's spouse is an officer or
34 director and the nature of the corporation's business: Churches
35 need not be listed:

36 (5) The name of any corporation in which the member or
37 candidate or the member's or candidate's spouse or
38 unemancipated children own stock or stock options having a fair
39 market value in excess of ten thousand dollars (\$10,000): No
40 time or demand deposit in a financial institution or insurance
41 policy need be listed:

42 (6) The name of any state agency or the supreme court of Indiana

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1 which licenses or regulates the following:

2 (A) The member's or candidate's or the member's or
3 candidate's spouse's profession or occupation:

4 (B) Any proprietorship, partnership, corporation, or limited
5 liability company listed under subdivision (2), (3), or (4)
6 and the nature of the licensure or regulation:

7 The requirement to file certain reports with the secretary of state
8 or to register with the department of state revenue as a retail
9 merchant, manufacturer, or wholesaler shall not be considered
10 as licensure or regulation:

11 (7) The name of any person whom the member or candidate
12 knows to have been a lobbyist in the previous calendar year and
13 knows to have purchased any of the following:

14 (A) From the member or candidate, the member's or
15 candidate's sole proprietorship, or the member's or
16 candidate's family business, goods or services for which the
17 lobbyist paid in excess of one hundred dollars (\$100):

18 (B) From the member's or candidate's partner, goods or
19 services for which the lobbyist paid in excess of one
20 thousand dollars (\$1,000):

21 (8) The name of any person or entity from whom the member or
22 candidate received the following:

23 (A) Any gift of cash from a lobbyist:

24 (B) Any single gift other than cash having a fair market
25 value in excess of one hundred dollars (\$100):

26 However, a contribution made by a lobbyist to a charitable
27 organization (as defined in Section 501(c) of the Internal
28 Revenue Code) in connection with a social or sports event
29 attended by legislators need not be listed by a member of the
30 general assembly unless the contribution is made in the name of
31 the legislator:

32 (C) Any gifts other than cash having a fair market value in
33 the aggregate in excess of two hundred fifty dollars (\$250):

34 Campaign contributions need not be listed: Gifts from a
35 spouse or close relative need not be listed unless the donor
36 has a substantial economic interest in a legislative matter:

37 (9) The name of any lobbyist who is:

38 (A) a member of a partnership or limited liability company;

39 (B) an officer or a director of a corporation; or

40 (C) a manager of a limited liability company;

41 of which the member or candidate for the general assembly is
42 a partner, an officer, a director, a member, or an employee; and

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1 a description of the legislative matters which are the object of
2 the lobbyist's activity.

3 ~~(10)~~ (3) The name of any person or entity on whose behalf the
4 member or candidate has appeared before, contacted, or
5 transacted business with any state agency or official thereof, the
6 name of the state agency, the nature of the appearance, contact,
7 or transaction, and the cause number, if any. This requirement
8 does not apply when the services are rendered without
9 compensation.

10 ~~(11)~~ The name of any limited liability company of which the
11 member of the general assembly, the candidate, or the member's
12 or candidate's individual spouse has an interest.

13 (b) Before any person, who is not a member of the general
14 assembly files the person's declaration of candidacy, declaration of
15 intent to be a write-in candidate, or petition of nomination for office or
16 is selected as a candidate for the office under IC 3-13-1 or IC 3-13-2,
17 the person shall file with the clerk of the house or secretary of the
18 senate, respectively, the same written statement of economic interests
19 for the preceding calendar year that this section requires members of
20 the general assembly to file.

21 (c) Any member or candidate for the general assembly may file
22 an amended statement upon discovery of additional information
23 required to be reported.

24 SECTION 3. IC 2-2.1-3-4, AS AMENDED BY P.L.4-1995,
25 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 1998]: Sec. 4. (a) **The principal clerk of the house and the
27 secretary of the senate shall prescribe and provide the form of the
28 statement of economic interest for the house and the senate
29 respectively.**

30 (b) The statements of economic interest required by section 2 of
31 this chapter shall be filed on forms provided by the principal clerk of
32 the house or secretary of the senate, as the case may be. Statements
33 shall be kept by the principal clerk and the secretary of the senate for
34 ~~one (1) year~~ **five (5) years** after the expiration of the term during the
35 **year** for which they were filed. Any statement filed by a member or
36 candidate for the general assembly shall be open to public inspection
37 and copies shall be made available to any person for a reasonable fee.

38 ~~(b)~~ (c) Before ~~July~~ **December 1** of each year, the Indiana lobby
39 registration commission shall furnish to the clerk of the house and
40 secretary of the senate a complete list of the lobbyists registered ~~for at~~
41 **any time during** the previous twelve (12) month period. Copies of the
42 list shall be available to members of and candidates for the general



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1 assembly and shall be distributed by the clerk of the house and
 2 secretary of the senate with the forms for statements of economic
 3 interest.

4 SECTION 4. IC 2-2.1-3-7 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) In addition to the
 6 responsibility to devise a code of ethics, each legislative ethics
 7 committee **may do any of the following:**

8 (1) ~~may~~ Receive and hear any complaint which alleges a breach
 9 of any privilege of the appropriate house, misconduct of any
 10 member or any violation of the respective code of ethics,
 11 regardless of when the breach, misconduct, or violation is
 12 alleged to have occurred.

13 (2) ~~may~~ Obtain information with respect to any complaint filed
 14 pursuant to this section and to that end may compel the
 15 attendance and testimony of witnesses, and the production of
 16 pertinent books and papers.

17 (3) ~~may~~ Recommend whatever sanction is appropriate with
 18 respect to a particular member as will best maintain in the minds
 19 of the public a good opinion of the conduct and character of
 20 members of the general assembly.

21 (4) ~~may~~ Recommend legislation to the general assembly relating
 22 to the conduct and ethics of members of the general assembly.

23 (5) **Issue advisory opinions at the request of a member of the**
 24 **house for which the committee is established. The substance**
 25 **of a request for an opinion and any opinion rendered on the**
 26 **request are public information. A member may request that**
 27 **the member's identity not be disclosed when the information**
 28 **relating to the request is disclosed.**

29 (b) **Each legislative ethics committee** shall act as an advisory
 30 body to the general assembly and to individual members of the
 31 appropriate house on questions relating to possible conflicts of interest.
 32 **and**

33 ~~(6)~~ (c) **Each legislative ethics committee** shall conduct its
 34 investigations in the following manner:

35 ~~(A)~~ (1) When a complaint is filed with the committee, a copy
 36 shall promptly be sent to the person alleged to have committed
 37 the violation. If the committee determines the complaint does not
 38 allege facts sufficient to constitute a code or statutory violation,
 39 the complaint shall be dismissed and the complainant and
 40 respondent notified. If the committee determines the complaint
 41 does allege facts sufficient to constitute a code or statutory
 42 violation, it shall promptly investigate the alleged violation. If,



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1 after such preliminary investigation the committee finds that
 2 probable cause does not exist to support an alleged violation, the
 3 allegation shall be dismissed. If the committee finds that
 4 probable cause exists to support an alleged violation, it shall
 5 convene a hearing on the matter within thirty (30) days after
 6 making such determination. The committee may meet in
 7 executive session to conduct a preliminary investigation and to
 8 determine whether probable cause exists to support an alleged
 9 violation. All committee investigations and records relating to
 10 the preliminary investigation shall be confidential.

11 ~~(B)~~ **(2)** If a hearing is to be held, the respondent shall be allowed
 12 to examine and make copies of all evidence in the committee's
 13 possession relating to the charges. At the hearing, the charged
 14 party shall be afforded appropriate due process protection
 15 consistent with state administrative procedures, including the
 16 right to be represented by counsel, the right to call and examine
 17 witnesses, the right to introduce exhibits, and the right to
 18 cross-examine opposing witnesses.

19 ~~(C)~~ **(3)** After the hearing, the committee shall state its findings
 20 of fact. If the committee, based on competent and substantial
 21 evidence, finds the respondent has violated a code or statutory
 22 provision, it shall state its findings in writing in a report to the
 23 speaker of the house or president pro tempore of the senate, as
 24 appropriate. Such report shall be supported and signed by a
 25 majority of the committee members. If the committee finds the
 26 respondent has not violated a code or statutory provision, it shall
 27 dismiss the charges.

28 ~~(D)~~ **(4)** No committee member shall participate in any matter in
 29 which ~~he~~ **the committee member** is involved.

30 SECTION 5. IC 2-7-1.6-3 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) Each member of
 32 the commission serves for a term of ~~four (4)~~ **two (2)** years, beginning
 33 January 1.

34 (b) Members of the commission may be reappointed to successive
 35 terms.

36 (c) The appropriate appointing authority shall fill a vacancy on the
 37 commission for the duration of the unexpired term.

38 SECTION 6. IC 2-7-1.6-10 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 1998]: **Sec. 10. (a) As used in this section, "contribution" has the
 41 meaning set forth in IC 3-5-2-15.**

42 **(b) A commission member may neither solicit nor make a**

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1 **contribution to a candidate for election to the general assembly**
 2 **during the member's term of office.**

3 SECTION 7. IC 2-7-1.6-11 IS ADDED TO THE INDIANA CODE
 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 1998]: **Sec. 11. Before January 15 of each year, an individual**
 6 **who was a commission member during the previous calendar year**
 7 **shall file a statement of the member's economic interests. The**
 8 **member's statement of economic interests must include the name**
 9 **and nature of the business of any business or passive investment in**
 10 **which the member or the member's spouse has an ownership**
 11 **interest or serves as an officer, director, partner, or similar**
 12 **capacity with any person who is either:**

13 (1) **a member of the general assembly; or**

14 (2) **a registered lobbyist.**

15 SECTION 8. IC 2-7-2-1 IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 1998]: Sec. 1. (a) Each lobbyist shall file
 17 annually with the commission a registration statement under oath
 18 accompanied by the registration fee required by this section.

19 (b) Except as provided in subsection (c), the registration fee is ~~one~~
 20 **two hundred fifty dollars (\$100): (\$250).**

21 (c) The registration fee of a lobbyist that satisfies either of the
 22 following is fifty dollars (\$50):

23 (1) The lobbyist is a nonprofit organization exempt from federal
 24 income taxation under Section 501(c)(3) or 501(c)(4) of the
 25 Internal Revenue Code.

26 (2) The lobbyist:

27 (A) is an employee of a lobbyist described in subdivision
 28 (1); and

29 (B) performs lobbying services for the employer as part of
 30 the lobbyist's salaried responsibilities.

31 (d) **The registration fees collected under subsection (b) must be**
 32 **deposited into the government ethics information fund established**
 33 **by IC 5-21-7-6.**

34 SECTION 9. IC 2-7-2-2 IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) Each registration statement
 36 shall be filed not later than January 15 or within fifteen (15) days after
 37 the registrant becomes a lobbyist, whichever is later. Each registration
 38 statement expires on December 31 of the year for which it was issued.
 39 The commission may accept registration statements before January 1
 40 of the year to which they apply, as the commission determines.

41 (b) Subject to subsections (c) and (d), the commission shall
 42 impose a late registration fee of ~~ten~~ **twenty-five dollars (\$10) (\$25)** per

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1 day for each day after the deadline until the statement is filed.

2 (c) The late registration fee shall not exceed one ~~hundred~~
3 **thousand** dollars (~~\$100~~): **(\$1,000)**.

4 (d) The commission may waive the late registration fee if the
5 commission determines that the circumstances make imposition of the
6 fee inappropriate.

7 SECTION 10. IC 2-7-3-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. Each lobbyist shall
9 file ~~semiannually~~ **quarterly** with the commission an activity report
10 under oath. ~~He~~ **The lobbyist** shall file a separate activity report relating
11 to each person from whom ~~he~~ **the lobbyist** receives payment for
12 lobbying.

13 SECTION 11. IC 2-7-3-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) ~~One~~ **(+) A**
15 **lobbyist shall file activity reports as follows:**

16 **(1) In odd-numbered years, a lobbyist shall file an activity**
17 **report not later than April 10, covering the period from**
18 **January 1 through March 31.**

19 **(2) In even-numbered years, a lobbyist shall file an activity**
20 **report not later than February 10 covering the period from**
21 **January 1 through January 31.**

22 **(3) A lobbyist shall file an activity report shall be filed not later**
23 **than July 31, 10, covering the period from January 1 the last**
24 **date of the previous report through June 30. The other**

25 **(4) A lobbyist shall file an activity report not later than**
26 **October 10, covering the period from July 1 through**
27 **September 30.**

28 **(5) A lobbyist shall file an activity report shall be filed not later**
29 **than January 31, 10, covering the period from July October 1**
30 **through December 31 of the immediately preceding calendar**
31 **year.**

32 (b) Subject to subsections (c) and (d), the commission shall
33 impose a penalty of ~~ten~~ **twenty-five** dollars (~~\$10~~) **(\$25)** per day for
34 each day that the person fails to file any report required by this chapter
35 until the report is filed.

36 (c) The penalty shall not exceed one ~~hundred~~ **thousand** dollars
37 (~~\$100~~) **(\$1,000)** per report.

38 (d) The commission may waive the penalty if the commission
39 determines that the circumstances make imposition of the penalty
40 inappropriate.

41 SECTION 12. IC 2-7-3-3 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) The activity



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reports of each lobbyist shall include the following:

- (1) A complete and current statement of the information required to be supplied under IC 2-7-2-3 and IC 2-7-2-4.
- (2) Total expenditures on lobbying (prorated, if necessary) broken down to include at least the following categories:
 - (A) Compensation to others who perform lobbying services.
 - (B) Reimbursement to others who perform lobbying services.
 - (C) Receptions.
 - (D) Entertainment, including meals. However, a function to which the entire general assembly is invited is not lobbying under this article.
 - (E) Gifts made to an employee of the general assembly or a member of the immediate family of an employee of the general assembly.
- (3) A statement of expenditures and gifts that equal one hundred dollars (\$100) or more in one (1) day, or that together total more than ~~five~~ **two** hundred ~~fifty~~ **fifty** dollars ~~(\$500)~~ **(\$250)** during the calendar year, if the expenditures and gifts are made by the registrant or ~~his~~ **the registrant's** agent to benefit **any of the following:**
 - (A) A member of the general assembly.
 - (B) An officer of the general assembly.
 - (C) ~~An~~ **A reasonably ascertainable** employee or **independent contractor** of the general assembly. ~~or~~
 - (D) **A person providing goods or services to, or for the benefit of, the members of either house of the general assembly.**
 - (E) **A candidate for election to the general assembly.**
 - ~~(F)~~ (F) A member of the immediate family of anyone included in clause described in clauses (A) ~~(B)~~; ~~or (C)~~; **through (E).**

An expenditure made in the ordinary course of the member's or the member's spouse's business is not required to be included in the statement of expenditures and gifts under this subdivision.

- (4) Whenever a lobbyist makes an expenditure that is for the benefit of all of the members of the general assembly on a given occasion, the total amount expended shall be reported, but the lobbyist shall not prorate the expenditure among each member of the general assembly.
- (5) A list of the general subject matter of each bill or resolution

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1 concerning which a lobbying effort was made within the
2 registration period.

3 (6) ~~The name of the beneficiary of following information for~~
4 each expenditure or gift made by the lobbyist or ~~his the~~
5 **lobbyist's** agent that is required to be reported under subdivision
6 (3):

7 ~~(7) The name of each member of the general assembly from~~
8 ~~whom the lobbyist has received an affidavit required under~~
9 ~~IC 2-2.1-3-3.5.~~

10 (A) **The name of the beneficiary of the expenditure or**
11 **gift.**

12 (B) **The date of the expenditure or gift.**

13 (C) **The amount spent or the value of the gift given.**

14 (D) **The purpose for the expenditure or gift.**

15 **If the beneficiary of the expenditure or gift is a member of**
16 **the general assembly, the lobbyist must give written notice of**
17 **the expenditure or gift to the member or candidate within**
18 **five (5) business days after making the expenditure or gift.**
19 **The lobbyist shall provide to the member or candidate the**
20 **information required to be reported under clauses (A)**
21 **through (D).**

22 (b) ~~In the second semiannual each quarterly report, when total~~
23 ~~amounts are required to be reported, a lobbyist shall state~~ totals shall
24 ~~be stated~~ both for the period covered by the ~~statement report~~ and for
25 the entire ~~period beginning January 1 of the~~ reporting year.

26 (c) An amount reported under this section is not required to
27 include the following:

28 (1) Overhead costs.

29 (2) Charges for any of the following:

30 (A) Postage.

31 (B) Express mail service.

32 (C) Stationery.

33 (D) Facsimile transmissions.

34 (E) Telephone calls.

35 (3) Expenditures for the personal services of clerical and other
36 support staff persons who are not lobbyists.

37 (4) Expenditures for leasing or renting an office.

38 (5) Expenditures for lodging, meals, and other personal expenses
39 of the lobbyist.

40 SECTION 13. IC 2-7-3-4 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. Each lobbyist shall
42 obtain and preserve all documents necessary to substantiate the activity



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1 reports required under this chapter for ~~four (4)~~ **five (5)** years from the
 2 date of filing of the report containing these items. The lobbyist shall
 3 make these materials available for inspection upon request by the
 4 commission.

5 SECTION 14. IC 2-7-4-8 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 8. The commission
 7 shall preserve statements and reports filed with the commission under
 8 this article for a period of ~~four (4)~~ **five (5)** years from the date of
 9 receipt.

10 SECTION 15. IC 2-7-6-7 IS ADDED TO THE INDIANA CODE
 11 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 12 1, 1998]: **Sec. 7. Civil penalties collected under this chapter must be**
 13 **deposited in the government ethics information fund established by**
 14 **IC 5-21-7-6.**

15 SECTION 16. IC 3-9-2-12, AS ADDED BY P.L.3-1997,
 16 SECTION 180, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JANUARY 1, 1999]: Sec. 12. (a) This section does not
 18 apply to:

- 19 (1) a member of the general assembly; or
- 20 (2) a candidate's committee of a member of the general
 21 assembly;

22 with respect to an office other than a legislative office to which the
 23 member seeks election.

24 ~~(b) As used in this section, "affected person" refers to any of the~~
 25 ~~following:~~

- 26 ~~(1) An individual who holds a legislative office.~~
- 27 ~~(2) A candidate for a legislative office.~~

28 ~~(c) (b) As used in this section, "prohibited period" means the~~
 29 ~~period:~~

- 30 (1) beginning on the day in ~~January~~ **November** in each
 31 ~~odd-numbered~~ **even-numbered** year the general assembly
 32 ~~reconvenes~~ **convenes** under IC 2-2.1-1-2; and
- 33 (2) ~~through~~ **ending on** the day **after** the general assembly
 34 adjourns sine die in an odd-numbered year under IC 2-2.1-1-2.

35 ~~(d) (c) During the prohibited period, an affected person, an~~
 36 ~~affected person's~~ **a member of the general assembly, the member's**
 37 ~~candidate's committee, and a legislative caucus committee may not do~~
 38 ~~any of the following:~~

- 39 (1) Solicit campaign contributions.
- 40 (2) Accept campaign contributions.
- 41 (3) Conduct other fundraising activities. This subdivision does
 42 not prohibit an affected person from participating in party



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activities conducted by a regular party committee.
(d) During the prohibited period, a lobbyist (as defined in IC 2-7-1-10) may not do any of the following on behalf of a member of the general assembly, a candidate for a legislative office, or a candidate's committee of a member or a candidate:

- (1) Make campaign contributions.**
- (2) Conduct other fundraising activities.**

SECTION 17. IC 3-9-4-16, AS AMENDED BY P.L.3-1997, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999]: Sec. 16. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

- (1) Fails to file with the election division a report in the manner required under IC 3-9-5.
- (2) Fails to file a statement of organization required under IC 3-9-1.
- (3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
- (4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions on the committee's behalf.
- (5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.
- (6) Makes a contribution in the name of another person.
- (7) Accepts a contribution made by one (1) person in the name of another person.
- (8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.
- (9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.
- (10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.
- (11) Violates IC 3-9-2-12.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the commission may assess a civil penalty. The penalty is ten dollars (\$10)

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1 for each day the report is late after the expiration of the five (5) day
 2 period, not to exceed one hundred dollars (\$100) plus any investigative
 3 costs incurred and documented by the election division. The civil
 4 penalty limit under this subsection applies to each report separately.

5 (c) This subsection applies to a person who is subject to a civil
 6 penalty under subsection (a)(1) or (a)(2) for a delinquent report or
 7 statement. If the commission determines that a person failed to file the
 8 report or statement of organization by the deadline prescribed under
 9 this article, the commission shall assess a civil penalty. The penalty is
 10 fifty dollars (\$50) for each day the report or statement is late, **with plus**
 11 **any investigative costs incurred and documented by the election**
 12 **division.** The afternoon of the final date for filing the report or
 13 statement **being calculated as is considered** the first day. **The civil**
 14 **penalty under this subsection may not exceed one thousand dollars**
 15 **(\$1,000) plus any investigative costs incurred and documented by the**
 16 **election division. The civil penalty limit under this subsection applies**
 17 **to each report separately.**

18 (d) This subsection applies to a person who is subject to a civil
 19 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or
 20 (a)(10). If the commission determines that a person is subject to a civil
 21 penalty under subsection (a), the commission may assess a civil penalty
 22 of not more than one thousand dollars (\$1,000), plus any investigative
 23 costs incurred and documented by the election division.

24 (e) This subsection applies to a person who is subject to a civil
 25 penalty under subsection (a)(5). If the commission determines that a
 26 person is subject to a civil penalty under subsection (a)(5), the
 27 commission may assess a civil penalty of not more than three (3) times
 28 the amount of the contribution in excess of the limit prescribed by
 29 IC 3-9-2-4, plus any investigative costs incurred and documented by
 30 the election division.

31 (f) This subsection applies to a person who is subject to a civil
 32 penalty under subsection (a)(11). If the commission determines that a
 33 **candidate or the candidate's committee person** has violated
 34 IC 3-9-2-12, the commission ~~shall~~ **may assess a the following** civil
 35 penalty ~~equal to the greater of the following,~~ plus any investigative
 36 costs incurred and documented by the election division:

37 (1) ~~Two (2) times the amount of any contributions received. If~~
 38 **the person is a member of the general assembly or a**
 39 **candidate for a legislative office, a civil penalty of five**
 40 **hundred dollars (\$500) plus the amount of any contributions**
 41 **received by the person.**

42 (2) ~~One thousand dollars (\$1,000).~~ **If the person is not**

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1 **described in subdivision (1), a civil penalty of five hundred**
 2 **dollars (\$500).**

3 (g) All civil penalties collected under this section shall be
 4 deposited with the treasurer of state in the **following:**

5 **(1) Civil penalties imposed for violations of subsection (a)(1),**
 6 **(a)(2), (a)(11), or (a)(12) in the government ethics**
 7 **information fund established by IC 5-21-7-6.**

8 **(2) Civil penalties other than civil penalties described in**
 9 **subdivision (1) in the campaign finance enforcement account.**

10 (h) Proceedings of the commission under this section are subject
 11 to IC 4-21.5.

12 SECTION 18. IC 3-9-4-18, AS AMENDED BY P.L.3-1997,
 13 SECTION 198, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JANUARY 1, 1999]: Sec. 18. (a) As used in this section;
 15 "delinquent report" refers to a campaign finance report:

16 (1) that was required to be filed under IC 3-9-5 but was not filed
 17 in the manner required under IC 3-9-5; and

18 (2) for which a person was assessed a civil penalty under section
 19 16 or 17 of this chapter.

20 (b) (a) As used in this section, "election board" refers to the
 21 following:

22 (1) The commission if a civil penalty was assessed under section
 23 16 of this chapter.

24 (2) The county election board if a civil penalty was assessed
 25 under section 17 of this chapter.

26 (c) As used in this section, "person" refers to a person who:

27 (1) has been assessed a civil penalty under section 16 or 17 of
 28 this chapter; and

29 (2) has filed a declaration of candidacy; a petition of nomination;
 30 or a declaration of intent to be a write-in candidate in a
 31 subsequent election or for whom a certificate of nomination has
 32 been filed.

33 (d) A person who does both of the following is relieved from
 34 further civil liability under this chapter for the delinquent report:

35 (1) Files the delinquent report from the previous candidacy:

36 (A) before filing a report required under IC 3-9-5-6; or

37 (B) at the same time the person files the report required
 38 under IC 3-9-5-6;

39 for a subsequent candidacy:

40 (2) Pays all civil penalties assessed under section 16 or 17 of this
 41 chapter for the delinquent report.

42 (b) This subsection applies to a person who is assessed a civil

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1 **penalty under this chapter. The election board may collect the civil**
 2 **penalty from the person as a debt under IC 6-8.1-9.5.**

3 ~~(e)~~ (c) This subsection applies to a person who:

- 4 (1) is assessed a civil penalty under this chapter; and
 5 (2) is elected to office in the subsequent election.

6 The election board may order the auditor of state or the fiscal officer of
 7 the political subdivision responsible for issuing the person's payment
 8 for serving in office to withhold from the person's paycheck the amount
 9 of the civil penalty assessed under this chapter. If the amount of the
 10 paycheck is less than the amount of the civil penalty, the auditor shall
 11 continue withholding money from the person's paycheck until an
 12 amount equal to the amount of the civil penalty has been withheld.

13 ~~(f)~~ (d) The auditor of state or fiscal officer shall deposit an amount
 14 **paid, recovered, or withheld** under this section in the election board's
 15 campaign finance enforcement account.

16 ~~(g)~~ (e) Proceedings of the election board under this section are
 17 subject to IC 4-21.5.

18 SECTION 19. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS
 19 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 1998]:

21 **Chapter 8. Political Contributions by Gaming Interests**

22 **Sec. 1. This chapter does not apply to contributions to a**
 23 **candidate for a federal office.**

24 **Sec. 2. As used in this chapter, "committee" refers to any of**
 25 **the following:**

- 26 (1) A candidate's committee.
 27 (2) A regular party committee.
 28 (3) A committee organized by a legislative caucus of the
 29 house or the senate of the general assembly.
 30 (4) A political action committee.

31 **Sec. 3. As used in this chapter, "contractor" refers to a person**
 32 **who has a contract with the state lottery commission or the**
 33 **director of the commission for any of the following:**

- 34 (1) A major procurement (as defined in IC 4-30-2-5).
 35 (2) Auditing services for the commission.

36 **Sec. 4. As used in this chapter, "immediate family" includes all**
 37 **of the following:**

- 38 (1) An individual's spouse.
 39 (2) An individual's children, whether natural or adopted.
 40 (3) An individual's parents.

41 **Sec. 5. As used in this chapter, "interested person" means any**
 42 **of the following:**

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- 1 **(1) A contractor.**
- 2 **(2) A person who holds or has applied for a permit under**
- 3 **IC 4-31 to conduct or assist in conducting a horse racing**
- 4 **meeting in which the pari-mutuel system of wagering is**
- 5 **permitted.**
- 6 **(3) A person who holds or has applied for a license under**
- 7 **IC 4-31 to operate a satellite facility.**
- 8 **(4) A person who holds or has applied for a license under**
- 9 **IC 4-33.**
- 10 **(5) A person who has, directly or indirectly, whether of**
- 11 **record or beneficially, at least a one percent (1%) interest in**
- 12 **a person described in any of subdivisions (1) through (4).**
- 13 **(6) An officer, director, partner, member, or trustee of a**
- 14 **person described in any of subdivisions (1) through (5).**
- 15 **(7) A member of the immediate family of an individual**
- 16 **described in any of subdivisions (1) through (6).**
- 17 **(8) A person who was at any time during the previous three**
- 18 **(3) year period an interested person under any of**
- 19 **subdivisions (1) through (7).**

20 **Sec. 6. An interested person may not make a contribution to a**

21 **candidate or to a committee.**

22 SECTION 20. IC 3-14-1-17 IS ADDED TO THE INDIANA

23 CODE AS A NEW SECTION TO READ AS FOLLOWS

24 [EFFECTIVE JULY 1, 1998]: **Sec. 17. A person who knowingly or**

25 **intentionally violates IC 3-9-8-6 commits a Class D felony.**

26 SECTION 21. IC 4-2-6-14 IS ADDED TO THE INDIANA CODE

27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

28 1, 1998]: **Sec. 14. Civil penalties collected under this chapter must**

29 **be deposited in the government ethics information fund established**

30 **by IC 5-21-7-6.**

31 SECTION 22. IC 4-30-3-19, AS AMENDED BY P.L.4-1996,

32 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

33 JULY 1, 1998]: **Sec. 19. (a) The definitions set forth in IC 3-5-2 apply**

34 **to this section.**

35 (b) This subsection applies to contributions made after March 15,

36 1989, and before March 29, 1996. The commission or director may not

37 enter into a contract with a person to serve as a vendor for a major

38 procurement or to provide auditing services to the commission if the

39 person has made a contribution to a candidate for a state office, within

40 the three (3) years preceding the award of the contract. A person that

41 enters into a contract with the commission as a vendor for a major

42 procurement or to provide auditing services may not make a

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1 contribution to such a candidate during the three (3) years following
 2 the last award or renewal of the contract. A person is considered to
 3 have made a contribution if a contribution is made by:

- 4 (1) the person;
- 5 (2) an officer of the person; or
- 6 (3) a political action committee (as defined in IC 3-5-2-37) of the
 7 person.

8 (c) A person who knowingly or intentionally violates this section
 9 commits a Class D felony.

10 **(d) This section expires July 1, 2001.**

11 SECTION 23. IC 4-30-3-19.5, AS ADDED BY P.L.4-1996,
 12 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 1998]: Sec. 19.5. (a) This section applies only to contributions
 14 made after March 28, 1996.

15 (b) The definitions set forth in IC 3-5-2 apply to this section.

16 (c) As used in this section, "candidate" refers only to a candidate
 17 for a state office.

18 (d) As used in this section, "committee" refers to any of the
 19 following:

- 20 (1) A candidate's committee.
- 21 (2) A regular party committee.
- 22 (3) A committee organized by a legislative caucus of the house
 23 of the general assembly.
- 24 (4) A committee organized by a legislative caucus of the senate
 25 of the general assembly.

26 (e) As used in this section, "contract" refers only to a contract with
 27 the commission or the director for any of the following:

- 28 (1) A major procurement.
- 29 (2) Auditing services to the commission.

30 (f) As used in this section, "contractor" means a person who has
 31 a contract with the commission or the director.

32 (g) As used in this section, "officer" refers only to either of the
 33 following:

- 34 (1) An individual listed as an officer of a corporation in the
 35 corporation's most recent annual report.
- 36 (2) An individual who is a successor to an individual described
 37 in subdivision (1).

38 (h) A person is considered to have made a contribution under this
 39 section if a contribution is made by any of the following:

- 40 (1) The person.
- 41 (2) An officer of the person.
- 42 (3) A political action committee of the person.



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1 (i) A person may not enter into a contract if the person has made
2 a contribution to a candidate or a committee within the three (3) years
3 preceding the award of the contract.

4 ~~(j) A contractor, an officer of a contractor, or a political action~~
5 ~~committee of a contractor may not make a contribution to a candidate~~
6 ~~or a committee while the contract is in effect and during the three (3)~~
7 ~~years following the final expiration or termination of the contract.~~

8 ~~(k)~~ (j) A person who knowingly or intentionally violates this
9 section commits a Class D felony.

10 SECTION 24. IC 4-30-3-19.7, AS ADDED BY P.L.4-1996,
11 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 1998]: Sec. 19.7. (a) This section applies only to contributions
13 made after March 28, 1996.

14 (b) The definitions set forth in IC 3-5-2 apply to this section.

15 (c) As used in this section, "candidate" refers only to the
16 following:

- 17 (1) A candidate for a legislative office.
- 18 (2) A candidate for a local office.

19 (d) As used in this section, "committee" refers to any of the
20 following:

- 21 (1) A candidate's committee.
- 22 (2) A regular party committee.
- 23 (3) A committee organized by a legislative caucus of the house
24 of the general assembly.
- 25 (4) A committee organized by a legislative caucus of the senate
26 of the general assembly.

27 (e) As used in this section, "contract" refers only to a contract with
28 the commission or the director for any of the following:

- 29 (1) The printing of tickets to be used in a lottery game.
- 30 (2) Consultation services for operation of the lottery.
- 31 (3) Any goods and services involving any of the following:
 - 32 (A) Equipment for the official recording for lottery game
33 play purposes of a player's selection in lottery games
34 involving player selections.
 - 35 (B) The drawing, determination, or generation of winners in
36 lottery games.
 - 37 (C) The security services required under this article.

38 (f) As used in this section, "contractor" refers to a person who has
39 a contract with the commission or the director.

40 (g) As used in this section, "officer" refers only to either of the
41 following:

- 42 (1) An individual listed as an officer of a corporation in the

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1 corporation's most recent annual report.
 2 (2) An individual who is a successor to an individual described
 3 in subdivision (1).
 4 (h) A person is considered to have made a contribution under this
 5 section if a contribution is made by any of the following:
 6 (1) The person.
 7 (2) An officer of the person.
 8 (3) A political action committee of the person.
 9 (i) A person may not enter into a contract if the person has made
 10 a contribution to a candidate or a committee within the three (3) years
 11 preceding the award of the contract.
 12 ~~(j) A contractor, an officer of a contractor, or a political action~~
 13 ~~committee of a contractor may not make a contribution to a candidate~~
 14 ~~or a committee while the contract is in effect and during the three (3)~~
 15 ~~years following the final expiration or termination of the contract.~~
 16 ~~(k)~~ (j) A person who knowingly or intentionally violates this
 17 section commits a Class D felony.
 18 SECTION 25. IC 4-33-2-12, AS AMENDED BY P.L.4-1996,
 19 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 1998]: Sec. 12. Except as provided in IC 4-33-10-2.1,
 21 "Licensee" means a person holding a license issued under this article.
 22 SECTION 26. IC 5-21-7 IS ADDED TO THE INDIANA CODE
 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 1998]:
 25 **Chapter 7. Electronic Public Access to Government Ethics**
 26 **Information**
 27 **Sec. 1. As used in this chapter, "fund" refers to the**
 28 **government ethics information fund established by section 6 of this**
 29 **chapter.**
 30 **Sec. 2. As used in this chapter, "report receiving agency"**
 31 **refers to any of the following:**
 32 (1) **The principal clerk of the house of representatives.**
 33 (2) **The secretary of the senate.**
 34 (3) **The election division of the secretary of state's office.**
 35 (4) **The lobby registration commission.**
 36 (5) **The state ethics commission.**
 37 **Sec. 3. Each report receiving agency shall create and maintain**
 38 **one (1) or more databases in searchable, digital form of any of the**
 39 **following that is filed with the report receiving agency:**
 40 (1) **The statements of economic interest required to be filed**
 41 **with the principal clerk of the house of representatives under**
 42 **IC 2-2.1-3-2.**

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- 1 **(2) The statements of economic interest required to be filed**
- 2 **with the secretary of the senate under IC 2-2.1-3-2.**
- 3 **(3) The following statements or reports that are required to**
- 4 **be filed with the lobby registration commission under**
- 5 **IC 2-7-2 or IC 2-7-3:**
 - 6 **(A) Employer lobbyist registration statement.**
 - 7 **(B) Compensated lobbyist registration statement.**
 - 8 **(C) Report of employer lobbyist activities.**
 - 9 **(D) Report of compensated lobbyist activities.**
- 10 **(4) The following statements or reports that are required to**
- 11 **be filed with the Indiana election commission under IC 3-9:**
 - 12 **(A) Candidate's statement of organization and**
 - 13 **designation of principal committee or exploratory**
 - 14 **committee.**
 - 15 **(B) Political action committee statement of organization.**
 - 16 **(C) Regular party committee statement of organization.**
 - 17 **(D) Receipts and expenditure report of a political**
 - 18 **committee.**
 - 19 **(E) Notice to a candidate's committee of contributions**
 - 20 **received and expenditures made.**
 - 21 **(F) Independent expenditure reports by an individual.**
 - 22 **(G) Independent expenditure report by a corporation or**
 - 23 **labor organization.**
- 24 **(5) The statements of financial disclosure filed with the state**
- 25 **ethics commission under IC 4-2-6.**
- 26 **Sec. 4. (a) Each report receiving agency shall make available**
- 27 **to the commission the information that the report receiving agency**
- 28 **is required to maintain in a database under section 3 of this**
- 29 **chapter.**
- 30 **(b) For each form contained in a database, the report receiving**
- 31 **agency shall add newly filed information into the database within**
- 32 **thirty (30) days after the filing deadline for the particular form**
- 33 **filed.**
- 34 **Sec. 5. The commission shall do the following:**
 - 35 **(1) Make the information described in section 4 of this**
 - 36 **chapter available to the public through the state's electronic**
 - 37 **gateway to the Internet established and administered by the**
 - 38 **commission.**
 - 39 **(2) With the assistance of the report receiving agencies,**
 - 40 **develop for use through the state's electronic gateway to the**
 - 41 **Internet an electronic filing application for each form**
 - 42 **contained in the databases.**

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- 1 **(3) Make information added to a database under section 4(b)**
 2 **of this chapter available to the public within seven (7) days**
 3 **after the information is added to the database.**
- 4 **Sec. 6. (a) The government ethics information fund is**
 5 **established.**
- 6 **(b) The fund consists of the following:**
- 7 **(1) The registration fees collected under IC 2-7-2-1(b).**
 8 **(2) The civil penalties collected under IC 2-7.**
 9 **(3) The civil penalties collected under IC 3-9 that are**
 10 **required to be deposited in the fund.**
 11 **(4) The civil penalties collected under IC 4-2.**
- 12 **(c) The commission shall administer the fund.**
- 13 **(d) The fund must be used for the following purposes:**
- 14 **(1) The development and maintenance of the databases**
 15 **described in section 3 of this chapter.**
 16 **(2) The activities described in section 5 of this chapter.**
- 17 **(e) The treasurer of state shall invest the money in the fund not**
 18 **currently needed to meet the obligations of the fund in the same**
 19 **manner as other public money may be invested.**
- 20 **(f) Money in the fund is appropriated for the purposes**
 21 **described in subsection (d).**
- 22 **(g) Money in the fund at the end of a state fiscal year does not**
 23 **revert to the state general fund.**
- 24 **SECTION 27. IC 6-8.1-9.5-1 IS AMENDED TO READ AS**
 25 **FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. For purposes of (a)**
 26 **The definitions in this section apply throughout this chapter.**
- 27 **(b) "Claimant agency" means any state of the following:**
- 28 **(1) A department, an institution, a commission, a committee, a**
 29 **board, a division, a bureau, an authority, an officer, or an**
 30 **official of the state.**
 31 **(2) A county election board.**
- 32 **(c) "Debtor" means any person or legal entity that is delinquent in**
 33 **paying a debt to a claimant agency that has not been adjudicated**
 34 **satisfied by court order, set aside by court order, or discharged in**
 35 **bankruptcy.**
- 36 **(d) "Debt" means any liquidated amount owed and due to a Title**
 37 **IV-D agency of another state, or to any claimant agency which has**
 38 **accrued through contract, subrogation, assignment for purposes of**
 39 **collection, tort, operation of law, or any other legal theory, regardless**
 40 **of whether there is an outstanding judgment for that sum.**
- 41 **SECTION 28. THE FOLLOWING ARE REPEALED**
 42 **[EFFECTIVE JULY 1, 1998]: IC 2-2.1-3-3.5; IC 2-7-3-6; IC 2-7-6-6;**

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1 IC 4-31-13-3.5; IC 4-33-10-2.1.

2 SECTION 29. [EFFECTIVE JUNE 30, 1998] (a) As used in this
3 SECTION, "commission" refers to the lobby registration
4 commission established by IC 2-7-1.6-1.

5 (b) Notwithstanding IC 2-7-1.6-3, before its amendment by this
6 act, the term of a commission member serving on June 30, 1998,
7 expires July 1, 1998.

8 (c) Before July 1, 1998, each of the following shall appoint a
9 member of the commission:

10 (1) The speaker of the house of representatives.
11 Notwithstanding IC 2-7-1.6-3, as amended by this act, the
12 term of a commission member appointed under this
13 subdivision expires January 1, 2001.

14 (2) The republican leader of the house of representatives.
15 Notwithstanding IC 2-7-1.6-3, as amended by this act, the
16 term of a commission member appointed under this
17 subdivision expires January 1, 2000.

18 (3) The president pro tempore of the senate. Notwithstanding
19 IC 2-7-1.6-3, as amended by this act, the term of a
20 commission member appointed under this subdivision
21 expires January 1, 2001.

22 (4) The democratic leader of the senate. Notwithstanding
23 IC 2-7-1.6-3, as amended by this act, the term of a
24 commission member appointed under this subdivision
25 expires January 1, 2000.

26 (d) A commission member serving on June 30, 1998, may be
27 reappointed a commission member under this SECTION.

28 (e) This SECTION expires January 1, 2001.

29 SECTION 30. [EFFECTIVE JULY 1, 1998] (a) The definitions
30 in IC 5-21-7, as added by this act, apply throughout this SECTION.

31 (b) Each report receiving agency shall create the initial
32 databases described in IC 5-21-7-3, as added by this act, before
33 August 1, 1998.

34 (c) This SECTION expires January 1, 1999.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 1326, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, line 24, strike "An" and insert "**A reasonably ascertainable**".

Page 10, between lines 32 and 33, begin a new line block indented and insert:

"An expenditure made in the ordinary course of the member's or the member's spouse's business is not required to be included in the statement of expenditures and gifts under this subdivision."

and when so amended that said bill do pass.

(Reference is to House Bill 1326 as introduced.)

CROSBY, Chair

Committee Vote: yeas 7, nays 0.

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