

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1004 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 2-7-1-9, AS AMENDED BY P.L.58-2010,
- 4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2012]: Sec. 9. "Lobbying" means **either of the following:**
- 6 (1) Communicating by any means, or paying others to
- 7 communicate by any means, with any legislative person with the
- 8 purpose of influencing any legislative action.
- 9 (2) **After June 30, 2012, the activities of a public advocacy**
- 10 **organization to communicate by any means, or to pay others**
- 11 **to communicate by any means, to:**
- 12 (A) **inform the general public; or**
- 13 (B) **urge the general public to take an action;**
- 14 **to influence any legislative action.**
- 15 SECTION 2. IC 2-7-1-12.5 IS ADDED TO THE INDIANA CODE
- 16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 17 1, 2012]: **Sec. 12.5. "Public advocacy organization" means a person**
- 18 **or an organization that promotes a public policy agenda through**
- 19 **grassroots and legislative lobbying and issue advocacy.**
- 20 SECTION 3. IC 2-7-3-3, AS AMENDED BY P.L.225-2011,
- 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2012]: Sec. 3. (a) The activity reports of each lobbyist shall
- 23 include the following information:
- 24 (1) A complete and current statement of the information required

- 1 to be supplied under IC 2-7-2-3 and IC 2-7-2-4.
- 2 (2) Total expenditures on lobbying (prorated, if necessary) broken
- 3 down to include at least the following categories:
- 4 (A) Compensation to others who perform lobbying services.
- 5 (B) Reimbursement to others who perform lobbying services.
- 6 (C) Receptions.
- 7 (D) Entertainment, including meals.
- 8 (E) Gifts made to a legislative person.
- 9 **(F) If the lobbyist is a public advocacy organization,**
- 10 **expenditures for advertising, mass mailings, publications,**
- 11 **or other efforts to inform the general public or to urge the**
- 12 **general public to take any action for the purpose of**
- 13 **influencing legislative action. The lobbyist must provide**
- 14 **the following information relating to the lobbyist's**
- 15 **expenses for radio or television communication:**
- 16 **(i) The name of each radio or television station that**
- 17 **carried the lobbyist's communication.**
- 18 **(ii) The dates that communications were made on each**
- 19 **radio or television station.**
- 20 **(iii) The dollar amount spent on the communications on**
- 21 **each radio or television station.**
- 22 **(iv) The total amount spent on radio and television**
- 23 **communication.**
- 24 (3) Subject to section 3.5 of this chapter, a statement of each:
- 25 (A) expenditure for entertainment (including meals and drink);
- 26 or
- 27 (B) gift;
- 28 that equals fifty dollars (\$50) or more in one (1) day, or
- 29 expenditures for entertainment (including meals and drink) or
- 30 gifts that together total more than two hundred fifty dollars (\$250)
- 31 during the reporting year, if the expenditures and gifts are made
- 32 by the lobbyist or the lobbyist's agent to benefit a specific
- 33 legislative person.
- 34 (4) A list of the general subject matter of each bill or resolution
- 35 concerning which a lobbying effort was made within the
- 36 registration period.
- 37 (5) The name of each member of the general assembly from
- 38 whom the lobbyist has received an affidavit required under
- 39 IC 2-2.1-3-3.5.
- 40 (b) In the second semiannual report, when total amounts are
- 41 required to be reported, totals shall be stated both for the period
- 42 covered by the statement and for the entire reporting year.
- 43 (c) An amount reported under this section is not required to include
- 44 the following:
- 45 (1) Overhead costs.
- 46 (2) Charges for any of the following:

- 1 (A) Postage.
 2 (B) Express mail service.
 3 (C) Stationery.
 4 (D) Facsimile transmissions.
 5 (E) Telephone calls.
 6 (3) Expenditures for the personal services of clerical and other
 7 support staff persons who are not lobbyists.
 8 (4) Expenditures for leasing or renting an office.
 9 (5) Expenditures for lodging, meals, and other personal expenses
 10 of the lobbyist.

11 (d) A report of an expenditure under subsection (a)(3) must state the
 12 following information:

- 13 (1) The name of the lobbyist making the expenditure.
 14 (2) A description of the expenditure.
 15 (3) The amount of the expenditure.

16 SECTION 3. IC 2-7-3-3.7 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 18 1, 2012]: **Sec. 3.7. (a) This section applies only to a public advocacy
 19 organization.**

20 **(b) As used in this section, "large donation" refers to a gift of
 21 money of ten thousand dollars (\$10,000) or more.**

22 **(c) In addition to the other reports required by this chapter, a
 23 public advocacy organization shall report each large donation
 24 received by the public advocacy organization not later than the
 25 following:**

- 26 **(1) Seventy-two (72) hours after the public advocacy
 27 organization receives the large donation if the donation is
 28 received when the general assembly is in session.**
 29 **(2) Seven (7) days after the public advocacy organization
 30 receives the large donation if the donation is received when
 31 the general assembly is not in session.**

32 **(d) A report of a large donation must include the following
 33 information:**

- 34 **(1) The name of the person making the donation.**
 35 **(2) The address of the person making the donation.**
 36 **(3) If the person making the donation is an individual, the
 37 individual's occupation.**
 38 **(4) The total amount of the donation.**
 39 **(5) The date and time the public advocacy organization
 40 received the donation.**

41 SECTION 4. IC 3-9-5-2 IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The following persons,
 43 whenever required to file a report, notice, or other instrument by this
 44 article, shall file it with the election division:

- 45 (1) Candidates for state office and their candidate's committees.
 46 (2) The following central committees:

- 1 (A) State committees.
- 2 (B) Congressional district committees.
- 3 (3) Other regular party committees that propose to influence the
- 4 election of a candidate for state or legislative office or the
- 5 outcome of a public question for or against which the electorate
- 6 of the whole state may vote.
- 7 (4) Political action committees that propose to influence the
- 8 election of a candidate for state or legislative office or the
- 9 outcome of a public question for or against which the electorate
- 10 of the whole state may vote.
- 11 (5) Legislative caucus committees.

(6) A person required to file a report under IC 3-9-8.

12 SECTION 5. IC 3-9-5-4 IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The following persons,
14 whenever required to file a report, notice, or other instrument by this
15 article, shall file it with the county election board of each county
16 comprising part of the affected election district:

- 17 (1) Candidates for local office and their candidate's committees.
- 18 (2) Regular party committees that are not required to file with the
- 19 election division.
- 20 (3) Political action committees that are not required to file with
- 21 the election division.

(4) A person required to file a report under IC 3-9-8.

22 SECTION 6. IC 3-9-5-23 IS ADDED TO THE INDIANA CODE
23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
24 JANUARY 1, 2013]: **Sec. 23. (a) This section applies only to a large
25 contribution that is received by an organization or committee,
26 other than a candidate's committee, for the purpose of influencing
27 the outcome of an election.**

28 **(b) As used in this section, "election" refers to any of the
29 following:**

- 30 (1) A primary election in a year in which a general election is
- 31 held.
- 32 (2) A general election.
- 33 (3) A statewide special election.

34 **(c) As used in this section, "large contribution" means a single
35 contribution that is at least ten thousand dollars (\$10,000).**

36 **(d) The treasurer of the organization or committee shall file a
37 large contribution report with the election division not later than
38 noon seven (7) days after a contribution described in subsection (c)
39 is received.**

40 **(e) A report filed under this section may be filed by facsimile
41 transmission or as an electronic report when the requirements of
42 IC 3-9-4 or this chapter have been met. A report required by
43 subsection (d) must contain the following information for each
44 large contribution:**

- 1 (1) The name of the person making the contribution.
- 2 (2) The address of the person making the contribution.
- 3 (3) If the person making the contribution is an individual, the
- 4 individual's occupation.
- 5 (4) The total amount of the contribution.
- 6 (5) The date and time the large contribution described in
- 7 subsection (c) was received by the organization or committee.
- 8 (f) The commission shall prescribe the form for the report
- 9 required by this section.

10 SECTION 7. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS
 11 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 12 JANUARY 1, 2013]:

13 **Chapter 8. Independent Expenditures**

14 **Sec. 1. This chapter does not apply to the following:**

- 15 (1) An expenditure described by IC 3-9-5-15(b).
- 16 (2) A person that:
 - 17 (A) makes a contribution to a candidate or a committee;
 - 18 and
 - 19 (B) does not make an expenditure.
- 20 (3) A contribution to a committee made by a corporation or
- 21 labor organization.
- 22 (4) An expenditure to support or oppose a candidate or
- 23 political party made by a corporation or labor organization.

24 **Sec. 2. (a) Except as provided in section 1 of this chapter:**

- 25 (1) a person, other than a corporation or a labor organization,
- 26 that makes an expenditure to influence an election within a
- 27 year; or
- 28 (2) a corporation or labor organization that makes an
- 29 expenditure to support or oppose approval of a public
- 30 question;

31 shall file a statement with the election division under IC 3-9-5-2 or
 32 with a county election board under IC 3-9-5-4.

33 **Sec. 3. The statement described in section 2 of this chapter must**
 34 **contain the information required under IC 3-9-5 for a political**

- 1 **action committee.**
- 2 **Sec. 4. A statement required under section 2 of this chapter is**
- 3 **due on the same date and time that a report is due from a political**
- 4 **action committee."**
- 5 Renumber all SECTIONS consecutively.
(Reference is to HB 1004 as printed January 13, 2012.)

Representative Austin