
HOUSE BILL No. 1183

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-2.1-3-13; IC 2-7; IC 5-14-7; IC 35-51.

Synopsis: Lobbyist gift and entertainment ban. Provides that a member of the general assembly, a candidate for a legislative office, an officer of the general assembly, an employee of the general assembly, or a member of the immediate family of any of these persons may not accept a gift or entertainment from a lobbyist, a legislative liaison, or an employer of a legislative liaison. Provides that a lobbyist, a legislative liaison, or an employer of a legislative liaison may not give a gift or provide entertainment to any of these persons. Provides exceptions for close relatives and under other described circumstances. Repeals superseded statutes. Provides that a violation of any of the prohibitions on giving or accepting gifts from lobbyists, legislative liaisons, or employers of legislative liaisons is a Class B misdemeanor.

Effective: July 1, 2012; January 1, 2013.

Day, Foley

January 9, 2012, read first time and referred to Committee on Rules and Legislative Procedures.

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Second Regular Session 117th General Assembly (2012)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1183



A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

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

- 1 SECTION 1. IC 2-2.1-3-13 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 3 JANUARY 1, 2013]: **Sec. 13. (a) This section does not apply to the**
- 4 **following:**
- 5 (1) **A gift given or entertainment provided by a lobbyist, a**
- 6 **legislative liaison, or an employer of a legislative liaison that**
- 7 **is for the benefit of the following on a given occasion:**
- 8 (A) **While the general assembly is in session, all the**
- 9 **members of any of the following legislative bodies:**
- 10 (i) **The general assembly.**
- 11 (ii) **The house of representatives.**
- 12 (iii) **The senate.**
- 13 (B) **While the general assembly is not in session, all the**
- 14 **members of any legislative body.**
- 15 (2) **A gift given or entertainment provided by a lobbyist or**
- 16 **legislative liaison who is a close relative of the individual to**
- 17 **whom the gift is given or the entertainment is provided.**



1 (3) Items provided under a statute or from an agency for
2 redistribution to constituents.

3 (4) Items provided during the performance of official duties
4 by a legislative person, including the legislative person's
5 service as a member of, or participant in, any of the following:

6 (A) The legislative council.

7 (B) The budget committee.

8 (C) A standing or other committee established by the rules
9 of the house of representatives or the senate.

10 (D) A study committee established by statute or by the
11 legislative council.

12 (E) A statutory board or commission.

13 (5) A scholarship, student employment, or other financial aid
14 granted to a legislative person for attendance at a state
15 educational institution.

16 (6) Expenditures relating to an economic development effort,
17 function, or event by an agency, including those hosted by the
18 Indiana economic development corporation.

19 (b) The definitions in IC 2-7-1 and IC 5-14-7 apply in this
20 section.

21 (c) A legislative person may not accept a gift from, or
22 entertainment provided by, a lobbyist, a legislative liaison, or an
23 employer of a legislative liaison.

24 (d) A legislative person who knowingly or intentionally accepts
25 a gift or entertainment in violation of this section commits a Class
26 B misdemeanor.

27 SECTION 2. IC 2-7-3-3, AS AMENDED BY P.L.225-2011,
28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JANUARY 1, 2013]: Sec. 3. (a) The activity reports of each lobbyist
30 shall include the following information:

31 (1) A complete and current statement of the information required
32 to be supplied under IC 2-7-2-3 and IC 2-7-2-4.

33 (2) Total expenditures on lobbying (prorated, if necessary) broken
34 down to include at least the following categories:

35 (A) Compensation to others who perform lobbying services.

36 (B) Reimbursement to others who perform lobbying services.

37 (C) Receptions.

38 (D) Entertainment, including meals.

39 (E) Gifts made to a legislative person.

40 (3) Subject to section 3.5 of this chapter, a statement of each:

41 (A) expenditure for entertainment (including meals and drink);

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- 1 (B) gift;
 2 that equals fifty dollars (\$50) or more in one (1) day; or
 3 expenditures for entertainment (including meals and drink) or
 4 gifts that together total more than two hundred fifty dollars (\$250)
 5 during the reporting year; if the expenditures and gifts are made
 6 by the lobbyist or the lobbyist's agent to benefit a specific
 7 legislative person.
- 8 ~~(4)~~ (3) A list of the general subject matter of each bill or
 9 resolution concerning which a lobbying effort was made within
 10 the registration period.
- 11 ~~(5)~~ (4) The name of each member of the general assembly from
 12 whom the lobbyist has received an affidavit required under
 13 IC 2-2.1-3-3.5.
- 14 (b) In the second semiannual report, when total amounts are
 15 required to be reported, totals shall be stated both for the period
 16 covered by the statement and for the entire reporting year.
- 17 (c) An amount reported under this section is not required to include
 18 the following:
- 19 (1) Overhead costs.
- 20 (2) Charges for any of the following:
- 21 (A) Postage.
- 22 (B) Express mail service.
- 23 (C) Stationery.
- 24 (D) Facsimile transmissions.
- 25 (E) Telephone calls.
- 26 (3) Expenditures for the personal services of clerical and other
 27 support staff persons who are not lobbyists.
- 28 (4) Expenditures for leasing or renting an office.
- 29 (5) Expenditures for lodging, meals, and other personal expenses
 30 of the lobbyist.
- 31 ~~(d)~~ A report of an expenditure under subsection (a)(3) must state the
 32 following information:
- 33 (1) The name of the lobbyist making the expenditure.
- 34 (2) A description of the expenditure.
- 35 (3) The amount of the expenditure.
- 36 SECTION 3. IC 2-7-3-3.3 IS REPEALED [EFFECTIVE JANUARY
 37 1, 2013]. Sec. 3-3: (a) This section does not apply to gifts made
 38 between close relatives:
- 39 (b) A lobbyist shall file a written report whenever the lobbyist
 40 makes a gift with respect to a legislative person that is required to be
 41 included in a report under section 3(a)(3) of this chapter.
- 42 (c) A report under this section must state the following:

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1 (1) The name of the lobbyist making the gift.

2 (2) A description of the gift.

3 (3) The amount of the gift.

4 (d) A lobbyist shall file a copy of a report required by this section
5 with all the following:

6 (1) The commission.

7 (2) The legislative person to whom the report is made.

8 (3) The principal clerk of the house of representatives; if the
9 legislative person is a member of, or a candidate for election to,
10 the house of representatives.

11 (4) The secretary of the senate; if the legislative person is a
12 member of, or candidate for election to, the senate.

13 (e) A lobbyist shall file a report required by this section not later
14 than fifteen (15) business days after making the gift. A report filed
15 under this section is confidential and is not available for public
16 inspection or copying until ten (10) business days after the report is
17 filed with the commission.

18 (f) Not later than January 7 each year, the commission shall provide
19 to each member and candidate a written compilation of all reports filed
20 under subsection (d) relating to that member or candidate. The
21 compilation must provide the following information to the member or
22 candidate for each gift reported under subsection (d):

23 (1) A description of the gift.

24 (2) The amount of the gift.

25 (3) The name of the lobbyist making the gift.

26 SECTION 4. IC 2-7-3-3.5, AS ADDED BY P.L.58-2010, SECTION
27 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JANUARY 1, 2013]: Sec. 3.5. (a) If an expenditure for entertainment
29 (including meals and drink) or a gift can clearly and reasonably be
30 attributed to a particular legislative person, the expenditure must be
31 reported with respect to that particular legislative person.

32 (b) A report of an expenditure with respect to a particular legislative
33 person:

34 (1) must report actual amounts; and

35 (2) may not allocate to the particular legislative person a prorated
36 amount derived from an expense made with respect to several
37 legislative persons;

38 to the extent practicable.

39 (e) (a) An activity report must report expenditures for a function or
40 activity to which all the members of a legislative body are invited.
41 Expenditures reported for a function or activity described in this
42 subsection may not be allocated and reported with respect to a

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1 particular legislative person.

2 (d) (b) If two (2) or more lobbyists contribute to an expenditure,
3 each lobbyist shall report the actual amount the lobbyist contributed to
4 the expenditure. For purposes of reporting such an expenditure, the
5 following apply:

6 (1) For purposes of determining whether the expenditure is
7 reportable, the total amount of the expenditure with respect to a
8 particular legislative person must be determined and not the
9 amount that each lobbyist contributed to that expenditure.

10 (2) each lobbyist shall report the actual amount the lobbyist
11 contributed to the expenditure, even if that amount would not
12 have been reportable under this section if only one (1) lobbyist
13 made an expenditure of that amount.

14 (e) The report of an expenditure with respect to a particular
15 legislative person may not include any amount that the particular
16 legislative person contributed to the expenditure.

17 (f) An activity report may not report expenditures or gifts relating
18 to property or services received by a legislative person if the legislative
19 person paid for the property or services the amount that would be
20 charged to any purchaser of the property or services in the ordinary
21 course of business.

22 (g) An activity report may not report expenditures or gifts made
23 between close relatives unless the expenditure or gift is made in
24 connection with a legislative action.

25 (h) An activity report may not report expenditures or gifts relating
26 to the performance of a legislative person's official duties, including the
27 legislative person's service as a member of any of the following:

28 (1) The legislative council.

29 (2) The budget committee.

30 (3) A standing or other committee established by the rules of the
31 house of representatives or the senate.

32 (4) A study committee established by statute or by the legislative
33 council.

34 (5) A statutory board or commission.

35 (i) (c) An activity report may not report a contribution (as defined
36 in IC 3-5-2-15).

37 SECTION 5. IC 2-7-5-8 IS REPEALED [EFFECTIVE JANUARY
38 1, 2013]. Sec. 8: (a) This section does not apply to gifts made between
39 close relatives:

40 (b) A lobbyist may not make a gift with a value of fifty dollars (\$50)
41 or more to a legislative person unless the lobbyist receives the consent
42 of the legislative person before the gift is made. The lobbyist must

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1 inform the particular legislative person of the cost of the gift at the time
2 the lobbyist seeks the consent of the legislative person:

3 SECTION 6. IC 2-7-5-11 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2013]: **Sec. 11. (a) This section does not apply to the
6 following:**

7 **(1) A gift given or entertainment provided by a lobbyist that
8 is for the benefit of the following on a given occasion:**

9 **(A) While the general assembly is in session, all the
10 members of any of the following legislative bodies:**

11 **(i) The general assembly.**

12 **(ii) The house of representatives.**

13 **(iii) The senate.**

14 **(B) While the general assembly is not in session, all the
15 members of any legislative body.**

16 **(2) A gift given or entertainment provided by a lobbyist who
17 is a close relative of the individual to whom the gift is given or
18 the entertainment is provided.**

19 **(3) Items provided under a statute or from an agency for
20 redistribution to constituents.**

21 **(4) Items provided during the performance of official duties
22 by a legislative person, including the legislative person's
23 service as a member of, or participant in, any of the following:**

24 **(A) The legislative council.**

25 **(B) The budget committee.**

26 **(C) A standing or other committee established by the rules
27 of the house of representatives or the senate.**

28 **(D) A study committee established by statute or by the
29 legislative council.**

30 **(E) A statutory board or commission.**

31 **(5) A scholarship, student employment, or other financial aid
32 granted to a legislative person for attendance at a state
33 educational institution.**

34 **(6) Expenditures relating to an economic development effort,
35 function, or event by an agency, including those hosted by the
36 Indiana economic development corporation.**

37 **(b) A lobbyist may not give a gift to, or make an expenditure for
38 entertainment for, any legislative person.**

39 **(c) Notwithstanding IC 2-7-6-2, a person who knowingly or
40 intentionally violates this section commits a Class B misdemeanor.**

41 SECTION 7. IC 2-7-6-2 IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JANUARY 1, 2013]: **Sec. 2. (a) ~~Any~~ A person who**

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1 knowingly or intentionally violates any ~~provision of IC 2-7-2, IC 2-7-3,~~
 2 ~~or IC 2-7-5~~ **the following** commits unlawful lobbying, a Class D
 3 felony:

4 **(1) IC 2-7-2.**

5 **(2) IC 2-7-3.**

6 **(3) IC 2-7-5, except as provided in IC 2-7-5-11.**

7 **(b)** In addition to any penalty imposed on the defendant under
 8 IC 35-50-2-7 for unlawful lobbying, the court may order the defendant
 9 not to engage in lobbying for a period of up to ten (10) years,
 10 IC 2-7-5-6 notwithstanding.

11 ~~(b)~~ **(c)** Any person who lobbies in contravention of a court order
 12 under subsection ~~(a)~~ **(b)** of this section commits a Class D felony.

13 SECTION 8. IC 2-7-6-6, AS AMENDED BY P.L.58-2010,
 14 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2013]: Sec. 6. (a) The commission may impose either or
 16 both of the following sanctions if, after a hearing under IC 4-21.5-3, the
 17 commission finds that a lobbyist failed to file a report with a legislative
 18 person required by ~~IC 2-7-3-3.3~~ **or IC 2-7-3-7:**

19 (1) Revoke the registration of the lobbyist.

20 (2) Assess a civil penalty against the lobbyist. A civil penalty
 21 assessed under this subdivision may not be more than five
 22 hundred dollars (\$500).

23 **(b)** In imposing sanctions under subsection (a), the commission
 24 shall consider the following:

25 (1) Whether the failure to file the report was willful or negligent.

26 (2) Any mitigating circumstances.

27 SECTION 9. IC 5-14-7-4, AS ADDED BY P.L.58-2010, SECTION
 28 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2013]: Sec. 4. (a) An employer shall annually file a
 30 single, aggregate report of expenditures for lobbying activities by each
 31 of the employer's legislative liaisons stating expenditures for
 32 entertainment (including meals and drink) ~~or gifts~~ that

33 ~~(1) total per legislative person:~~

34 ~~(A) fifty dollars (\$50) or more in one (1) day; or~~

35 ~~(B) together more than two hundred fifty dollars (\$250) during~~
 36 ~~the calendar year; and~~

37 ~~(2) would be reportable to the lobby registration commission by~~
 38 ~~a registered lobbyist under IC 2-7.~~

39 **(b)** A report under this section may not include the following:

40 (1) Items provided under a statute or from an agency for
 41 redistribution to constituents.

42 (2) Items provided during the performance of official duties by a

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1 legislative person, including the legislative person's service as a
 2 member of, or participant in, any of the following:

3 (A) The legislative council.

4 (B) The budget committee.

5 (C) A standing or other committee established by the rules of
 6 the house of representatives or the senate.

7 (D) A study committee established by statute or by the
 8 legislative council.

9 (E) A statutory board or commission.

10 (3) A scholarship, student employment, or other financial aid
 11 granted to a legislative person for attendance at a state
 12 educational institution.

13 (4) Expenditures relating to an economic development effort,
 14 function, or event by an agency, including those hosted by the
 15 Indiana economic development corporation.

16 SECTION 10. IC 5-14-7-8 IS ADDED TO THE INDIANA CODE
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 18 JANUARY 1, 2013]: **Sec. 8. (a) This section does not apply to the**
 19 **following:**

20 **(1) A gift given or entertainment provided by a legislative**
 21 **liaison or an employer of a legislative liaison that is for the**
 22 **benefit of the following on a given occasion:**

23 **(A) While the general assembly is in session, all the**
 24 **members of any of the following legislative bodies:**

25 **(i) The general assembly.**

26 **(ii) The house of representatives.**

27 **(iii) The senate.**

28 **(B) While the general assembly is not in session, all the**
 29 **members of any legislative body.**

30 **(2) A gift given or entertainment provided by a legislative**
 31 **liaison who is a close relative of the individual to whom the**
 32 **gift is given or the entertainment is provided.**

33 **(3) Items provided under a statute or from an agency for**
 34 **redistribution to constituents.**

35 **(4) Items provided during the performance of official duties**
 36 **by a legislative person, including the legislative person's**
 37 **service as a member of, or participant in, any of the following:**

38 **(A) The legislative council.**

39 **(B) The budget committee.**

40 **(C) A standing or other committee established by the rules**
 41 **of the house of representatives or the senate.**

42 **(D) A study committee established by statute or by the**

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1 legislative council.
 2 (E) A statutory board or commission.
 3 (5) A scholarship, student employment, or other financial aid
 4 granted to a legislative person for attendance at a state
 5 educational institution.
 6 (6) Expenditures relating to an economic development effort,
 7 function, or event by an agency, including those hosted by the
 8 Indiana economic development corporation.
 9 (b) A legislative liaison or an employer of a legislative liaison
 10 may not give a gift to, or make an expenditure for entertainment
 11 for, any legislative person.
 12 (c) A legislative liaison or the employer of a legislative liaison
 13 who knowingly or intentionally violates this section commits a
 14 Class B misdemeanor.
 15 SECTION 11. IC 35-51-2-1, AS ADDED BY P.L.70-2011,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 2:
 18 **IC 2-2.1-3-13 (Concerning lobbying).**
 19 IC 2-4-1-4 (Concerning legislative investigations).
 20 **IC 2-7-5-11 (Concerning lobbying).**
 21 IC 2-7-6-2 (Concerning lobbying).
 22 IC 2-7-6-3 (Concerning lobbying).
 23 IC 2-7-6-4 (Concerning lobbying).
 24 SECTION 12. IC 35-51-5-1, AS ADDED BY P.L.70-2011,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2012]: Sec. 1. The following statutes define crimes in IC 5:
 27 IC 5-1-4-22 (Concerning hospital bonding authorities).
 28 IC 5-2-2-11 (Concerning the law enforcement academy building
 29 commission).
 30 IC 5-2-4-7 (Concerning criminal intelligence information).
 31 IC 5-10.4-3-16 (Concerning the Indiana state teacher's retirement
 32 fund).
 33 IC 5-11-1-18 (Concerning state board of accounts).
 34 IC 5-11-10-3 (Concerning certification of claims).
 35 IC 5-13-14-3 (Concerning public funds).
 36 IC 5-13-14-4 (Concerning public funds).
 37 IC 5-14-3-10 (Concerning access to public records).
 38 **IC 5-14-7-8 (Concerning lobbying).**
 39 IC 5-15-6-8 (Concerning local public records commissions).
 40 IC 5-16-7-3 (Concerning wage scale of contractor's and
 41 subcontractors employees).
 42 IC 5-16-9-5 (Concerning parking for persons with physical

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- 1 disabilities).
- 2 IC 5-17-1-5 (Concerning public purchases).
- 3 IC 5-17-1-6 (Concerning public purchases).
- 4 IC 5-28-15-7 (Concerning enterprise zones).
- 5 IC 5-28-15-8 (Concerning enterprise zones).

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