

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 92 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
25 to be supplied under IC 2-7-2-3 and IC 2-7-2-4.
26 (2) Total expenditures on lobbying (prorated, if necessary) broken
27 down to include at least the following categories:
28 (A) Compensation to others who perform lobbying services.
29 (B) Reimbursement to others who perform lobbying services.
30 (C) Receptions.

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

- 1 support staff persons who are not lobbyists.
 2 (4) Expenditures for leasing or renting an office.
 3 (5) Expenditures for lodging, meals, and other personal expenses
 4 of the lobbyist.

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

- 7 (1) The name of the lobbyist making the expenditure.
 8 (2) A description of the expenditure.
 9 (3) The amount of the expenditure.

10 SECTION 4. IC 2-7-3-3.7 IS ADDED TO THE INDIANA CODE
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 12 1, 2012]: **Sec. 3.7. (a) This section applies only to a public advocacy
 13 organization.**

14 (b) As used in this section, "large donation" refers to a gift of
 15 money of at least ten thousand dollars (\$10,000).

16 (c) In addition to the other reports required by this chapter, a
 17 public advocacy organization shall report each large donation
 18 received by the public advocacy organization not later than the
 19 following:

- 20 (1) Seventy-two (72) hours after the public advocacy
 21 organization receives the large donation, if the donation is
 22 received when the general assembly is in session.
 23 (2) Seven (7) days after the public advocacy organization
 24 receives the large donation, if the donation is received when
 25 the general assembly is not in session.

26 (d) A report of a large donation must include the following
 27 information:

- 28 (1) The name of the person making the donation.
 29 (2) The address of the person making the donation.
 30 (3) If the person making the donation is an individual, the
 31 individual's occupation.
 32 (4) The total amount of the donation.
 33 (5) The date and time the public advocacy organization
 34 received the donation.

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

- 39 (1) Candidates for state office and their candidate's committees.
 40 (2) The following central committees:
 41 (A) State committees.
 42 (B) Congressional district committees.
 43 (3) Other regular party committees that propose to influence the
 44 election of a candidate for state or legislative office or the
 45 outcome of a public question for or against which the electorate
 46 of the whole state may vote.

1 (4) Political action committees that propose to influence the
 2 election of a candidate for state or legislative office or the
 3 outcome of a public question for or against which the electorate
 4 of the whole state may vote.

5 (5) Legislative caucus committees.

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

7 SECTION 6. IC 3-9-5-4 IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The following persons,
 9 whenever required to file a report, notice, or other instrument by this
 10 article, shall file it with the county election board of each county
 11 comprising part of the affected election district:

12 (1) Candidates for local office and their candidate's committees.

13 (2) Regular party committees that are not required to file with the
 14 election division.

15 (3) Political action committees that are not required to file with
 16 the election division.

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

18 SECTION 7. IC 3-9-5-23 IS ADDED TO THE INDIANA CODE
 19 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2013]: **Sec. 23. (a) This section applies only to a large
 21 contribution that is received by an organization or committee,
 22 other than a candidate's committee, for the purpose of influencing
 23 the outcome of an election.**

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

26 **(1) A primary election in a year in which a general election is
 27 held.**

28 **(2) A general election.**

29 **(3) A statewide special election.**

30 **(c) As used in this section, "large contribution" means a single
 31 contribution of at least ten thousand dollars (\$10,000).**

32 **(d) The treasurer of the organization or committee shall file a
 33 large contribution report with the election division not later than
 34 noon seven (7) days after a large contribution is received.**

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

40 **(1) The name of the person making the contribution.**

41 **(2) The address of the person making the contribution.**

42 **(3) If the person making the contribution is an individual, the
 43 individual's occupation.**

44 **(4) The total amount of the contribution.**

45 **(5) The date and time the large contribution was received by
 46 the organization or committee.**

1 **(f) The commission shall prescribe the form for the report**
2 **required by this section.**

3 SECTION 8. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS
4 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
5 **JANUARY 1, 2013]:**

6 **Chapter 8. Independent Expenditures**

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

- 8 **(1) An expenditure described in IC 3-9-5-15(b).**
- 9 **(2) A person that:**
 - 10 **(A) makes a contribution to a candidate or a committee;**
 - 11 **and**
 - 12 **(B) does not make an expenditure.**
- 13 **(3) A contribution to a committee made by a corporation or**
- 14 **labor organization.**
- 15 **(4) An expenditure to support or oppose a candidate or**
- 16 **political party made by a corporation or labor organization.**

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

- 18 **(1) a person, other than a corporation or a labor organization,**
- 19 **that makes an expenditure to influence an election within a**
- 20 **year; or**
- 21 **(2) a corporation or labor organization that makes an**
- 22 **expenditure to support or oppose the approval of a public**
- 23 **question;**

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

26 **Sec. 3. The statement described in section 2 of this chapter must**
27 **contain the information required under IC 3-9-5 for a political**
28 **action committee.**

29 **Sec. 4. A statement required under section 2 of this chapter is**
30 **due on the same date and at the same time that a report is due**
31 **from a political action committee."**

32 Renumber all SECTIONS consecutively.
 (Reference is to SB 92 as printed January 27, 2012.)

Senator SIMPSON