

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	12
NO:	1

MR. SPEAKER:

Your Committee on Government and Regulatory Reform, to which was referred House Bill 1222, 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:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning the
- 3 general assembly.
- 4 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 5 "SECTION 1. IC 2-7-1-8, AS AMENDED BY P.L.58-2010,
- 6 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7 JULY 1, 2013]: Sec. 8. "Legislative person" means any of the
- 8 following:
- 9 (1) A member.
- 10 (2) A candidate.
- 11 (3) An officer of the general assembly.
- 12 (4) An employee of the ~~general assembly~~ **legislative department**
- 13 **of state government.**
- 14 (5) A member of the immediate family of anyone described in
- 15 subdivision (1), (2), (3), or (4). A lobbyist who is a close relative
- 16 of a legislative person is not considered a legislative person.

1 (6) A paid consultant of the general assembly.

2 (7) An **official of an** agency of the ~~general assembly~~; **legislative**
3 **department of state government.**

4 SECTION 2. IC 2-7-2-1 IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE NOVEMBER 1, 2013]: Sec. 1. (a) **For each reporting**
6 **year**, each lobbyist shall file ~~annually~~ with the commission a
7 registration statement under oath accompanied by the registration fee
8 required by this section. **Except as otherwise provided in section 1.5**
9 **of this chapter, a lobbyist shall use the commission's online system**
10 **to file the lobbyist's registration statement electronically.**

11 (b) Except as provided in subsection (c), the registration fee is ~~one~~
12 **two** hundred dollars (~~\$100~~): **(\$200).**

13 (c) The registration fee of a lobbyist that satisfies either of the
14 following is ~~fifty~~ **one hundred** dollars (~~\$50~~): **(\$100):**

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

18 (2) The lobbyist:

19 (A) is an employee of a lobbyist described in subdivision (1);
20 and

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

23 SECTION 3. IC 2-7-2-1.5 IS ADDED TO THE INDIANA CODE
24 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2013]: **Sec. 1.5. (a) A lobbyist may submit a written request that**
26 **the commission grant an exception to the electronic filing required**
27 **in section 1 of this chapter and IC 2-7-3-1.**

28 (b) **A lobbyist must file a request for an exception under**
29 **subsection (a) not later than sixty (60)".**

30 Page 2, delete lines 1 through 9.

31 Page 2, line 10, delete "if the number of".

32 Page 2, line 10, after "days" insert "**before the start of the**
33 **reporting year for which the request is filed using the form**
34 **prescribed by the commission.**

35 (c) **The commission may approve a request for an exception**
36 **under subsection (a) if the commission finds that the electronic**
37 **filing requirement poses a hardship for the lobbyist.**

38 (d) **If the commission grants an exception, the lobbyist must pay**

1 the commission an additional filing fee. The amount of the
 2 additional fee equals the amount that the lobbyist would have been
 3 required to pay the state's third party vendor to file registration
 4 statements and activity reports electronically for that reporting
 5 year.

6 (e) An exception granted under this section is valid only for the
 7 reporting year for which it is granted. An exception granted under
 8 this section is void if the additional fee is not paid in full within
 9 thirty (30) days after the exception is granted.

10 SECTION 4. IC 2-7-2-2, AS AMENDED BY P.L.58-2010,
 11 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 NOVEMBER 1, 2013]: Sec. 2. (a) **The term of a registration
 13 statement is the same as the term of the reporting year for which
 14 the statement is filed.** Each registration statement shall be filed not
 15 later than ~~January 15~~ **the first day of the reporting year**, or within
 16 fifteen (15) **business** days after a person becomes a lobbyist, whichever
 17 is later. ~~Each registration statement expires on December 31 of the year
 18 for which it was issued.~~ The commission may accept registration
 19 statements **for a period of up to sixty (60) days** before ~~January 1~~ **the
 20 first day** of the **reporting** year to which they apply, as the commission
 21 determines.

22 (b) Subject to subsections (c) and (d), the commission shall impose
 23 a late registration fee of not more than one hundred dollars (\$100) per
 24 day for each day after the deadline until the statement is filed.

25 (c) The late registration fee shall not exceed four thousand five
 26 hundred dollars (\$4,500).

27 (d) The commission may waive **all or part of** the late registration
 28 fee if the commission determines that the circumstances make
 29 imposition of the fee inappropriate.

30 SECTION 5. IC 2-7-2-7 IS ADDED TO THE INDIANA CODE AS
 31 A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 32 2013]: Sec. 7. (a) **As used in this section, "department" refers to the
 33 Indiana department of administration created by IC 4-13-1-2.**

34 (b) **At the request of a lobbyist registered under this article, the
 35 department shall provide to the lobbyist an electronic access card
 36 that provides the lobbyist with access to the state house. The
 37 department may determine the times during which an electronic
 38 access card provides access to the state house.**

1 (c) To receive an access card under subsection (b), a lobbyist
2 shall pay to the department an amount equal to the amount that a
3 state employee must pay to replace a lost electronic access card.

4 (d) An individual shall surrender an electronic access card
5 issued to the individual under subsection (b) not later than ten (10)
6 days after the individual ceases to be registered under this article.

7 (e) To facilitate the issuance of electronic access cards under this
8 section, the commission shall provide the department with a list of
9 currently registered lobbyists before January 1 of each registration
10 year.

11 SECTION 6. IC 2-7-3-1 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JANUARY 1, 2014]: Sec. 1. (a) Each lobbyist shall file
13 semiannually with the commission an activity report under oath. ~~He~~ **A**
14 **lobbyist** shall file a separate activity report relating to each person from
15 whom ~~he~~ **the lobbyist** receives payment for lobbying.

16 **(b) Except as otherwise provided in IC 2-7-2-1.5, a lobbyist shall**
17 **use the commission's online system to file the lobbyist's semiannual**
18 **activity reports electronically.**

19 SECTION 7. IC 2-7-3-2, AS AMENDED BY P.L.58-2010,
20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2013]: Sec. 2. (a) One (1) activity report shall be filed not
22 later than May 31, covering the period from November 1 of the
23 immediately preceding calendar year through April 30. The other
24 activity report shall be filed not later than November 30, covering the
25 period from May 1 through October 31. The commission shall provide
26 a copy of an activity report to a member of the general assembly at the
27 request of the member.

28 (b) Subject to subsections (c) and (d), the commission shall impose
29 a penalty of not more than one hundred dollars (\$100) per day for each
30 day that the person fails to file any report required by this chapter until
31 the report is filed.

32 (c) The penalty shall not exceed four thousand five hundred dollars
33 (\$4,500) per report.

34 (d) The commission may waive **all or part of** the penalty if the
35 commission determines that the circumstances make imposition of the
36 penalty inappropriate.

37 SECTION 8. IC 2-7-3-3.3, AS ADDED BY P.L.58-2010, SECTION
38 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,

- 1 2013]; Sec. 3.3. (a) This section does not apply to gifts made between
 2 close relatives.
- 3 (b) A lobbyist shall file a written report whenever the lobbyist
 4 makes a gift with respect to a legislative person that is required to be
 5 included in a report under section 3(a)(3) of this chapter.
- 6 (c) A report under this section must state the following:
- 7 (1) The name of the lobbyist making the gift.
 8 (2) A description of the gift.
 9 (3) The amount of the gift.
- 10 (d) A lobbyist shall file a copy of a report required by this section
 11 with ~~all the following:~~
- 12 ~~(1) The commission~~
 13 ~~(2) The and the legislative person to whom the report is made.~~
 14 ~~(3) The principal clerk of the house of representatives, if the~~
 15 ~~legislative person is a member of, or a candidate for election to,~~
 16 ~~the house of representatives.~~
 17 ~~(4) The secretary of the senate, if the legislative person is a~~
 18 ~~member of, or candidate for election to, the senate.~~
- 19 (e) A lobbyist shall file a report required by this section not later
 20 than fifteen (15) business days after making the gift. A report filed
 21 under this section is confidential and is not available for public
 22 inspection or copying until ten (10) business days after the report is
 23 filed with the commission.
- 24 ~~(f) Not later than January 7 each year, the commission shall provide~~
 25 ~~to each member and candidate a written compilation of all reports filed~~
 26 ~~under subsection (d) relating to that member or candidate. The~~
 27 ~~compilation must provide the following information to the member or~~
 28 ~~candidate for each gift reported under subsection (d):~~
- 29 ~~(1) A description of the gift.~~
 30 ~~(2) The amount of the gift.~~
 31 ~~(3) The name of the lobbyist making the gift.~~
- 32 **(f) After the expiration of the confidentiality period prescribed**
 33 **in subsection (e), the commission shall provide a copy of a gift**
 34 **report to the following:**
- 35 **(1) The principal clerk of the house of representatives, if the**
 36 **legislative person is a member of, or a candidate for election**
 37 **to, the house of representatives.**
 38 **(2) The secretary of the senate, if the legislative person is a**

1 **member of, or candidate for election to, the senate.**

2 SECTION 9. IC 2-7-3-7, AS ADDED BY P.L.58-2010, SECTION
3 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
4 2013]: Sec. 7. (a) This section does not apply to a purchase by a
5 lobbyist from a member's or candidate's business made in the ordinary
6 course of business at prices that are available to the general public.

7 (b) As used in this section, "purchase" refers to a purchase of goods
8 or services for which the lobbyist paid more than one hundred dollars
9 (\$100) from any of the following:

10 (1) A member or candidate.

11 (2) A member's or candidate's sole proprietorship.

12 (3) A member's or candidate's family business, regardless of the
13 manner of the family business's legal organization.

14 (c) A lobbyist shall file a written report with respect to a member or
15 candidate whenever the lobbyist makes a purchase.

16 (d) A report required by this section must state the following:

17 (1) The name of the lobbyist making the purchase.

18 (2) A description of the purchase.

19 (3) The amount of the purchase.

20 (e) A lobbyist shall file a copy of a report required by this section
21 with ~~all the following~~:

22 ~~(1) The commission~~

23 ~~(2) The~~ **and the** member or candidate with respect to whom the
24 report is made.

25 ~~(3) The principal clerk of the house of representatives; if the~~
26 ~~member or candidate is a member of, or a candidate for election~~
27 ~~to, the house of representatives.~~

28 ~~(4) The secretary of the senate; if the member or candidate is a~~
29 ~~member of, or candidate for election to, the senate.~~

30 (f) A lobbyist shall file a report required by this section not later
31 than fifteen (15) business days after making the purchase. A report
32 filed under this section is confidential and is not available for public
33 inspection or copying until ten (10) business days after the report is
34 filed with the commission.

35 ~~(g) Not later than January 7 each year, the commission shall provide~~
36 ~~to each member and candidate a written compilation of all reports filed~~
37 ~~under subsection (e) relating to that member or candidate. The~~
38 ~~compilation must provide the following information to the member or~~

1 candidate for each purchase:

2 (1) A description of the purchase.

3 (2) The amount of the purchase.

4 (3) The name of the lobbyist making the purchase.

5 (g) After the expiration of the confidentiality period prescribed
6 in subsection (f), the commission shall provide a copy of a purchase
7 report filed under this section to the following:

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

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

13 SECTION 10. IC 2-7-4-5.5, AS ADDED BY P.L.58-2010,
14 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2013]: Sec. 5.5. (a) The commission shall make copies of all
16 the following available on the Internet:

17 (1) Reports, statements, other documents required to be filed
18 under this article.

19 (2) Manuals, indices, summaries, and other documents the
20 commission is required to compile, publish, or maintain under
21 this article.

22 (b) The commission shall make copies of all reports required to be
23 made by **the employers of** legislative liaisons under IC 5-14-7
24 available on the Internet.

25 SECTION 11. IC 2-7-4-6, AS AMENDED BY P.L.58-2010,
26 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2013]: Sec. 6. (a) The commission shall inspect and audit at
28 least five percent (5%) of all registration statements and reports filed
29 with the commission under this ~~chapter~~ **article** by requiring the
30 lobbyist to produce verifying documents. The statements and reports
31 inspected and audited shall be selected at random by a computer
32 random number generator. Nothing in this ~~chapter~~ **article** shall be
33 construed as prohibiting the commission from inspecting and auditing
34 any statement or report if the commission has reason to believe that a
35 violation of this ~~chapter~~ **article** may have occurred.

36 (b) Verifying documents under this section while in the possession
37 of the commission are confidential.

38 SECTION 12. IC 2-7-5-9, AS AMENDED BY P.L.229-2011,

1 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 NOVEMBER 1, 2010 (RETROACTIVE)]: Sec. 9. (a) This section does
3 not apply to the following:

4 (1) Expenses associated with travel outside Indiana for any
5 purpose that is paid for by an organization or corporation of which
6 the legislative person or the legislative person's spouse is an
7 officer, member of the board of directors, employee, or
8 independent contractor.

9 (2) Travel expenses of a legislative person attending a public
10 policy meeting if:

11 (A) the legislative person's sole purpose for attending the
12 meeting is to serve as a speaker or other key participant in the
13 meeting; and

14 (B) the speaker of the house of representatives or the president
15 pro tempore of the senate approves the payment of the travel
16 expenses in writing.

17 (b) As used in this section, "travel expenses" includes expenses for
18 transportation, lodging, registration fees, and other expenses associated
19 with travel. **However, for purposes of this section, the term does not**
20 **include expenditures for meals.**

21 (c) Except as provided in subsection (a), a lobbyist may not pay for
22 or reimburse for travel expenses of a legislative person for travel
23 outside Indiana for any purpose.

24 SECTION 13. IC 5-14-7-4, AS ADDED BY P.L.58-2010,
25 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2013]: Sec. 4. (a) An employer shall annually file a single,
27 aggregate report of expenditures for lobbying activities by each of the
28 employer's legislative liaisons stating expenditures for entertainment
29 (including meals and drink) or gifts that:

30 (1) total per legislative person:

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

32 (B) together more than two hundred fifty dollars (\$250) during
33 the **calendar reporting** year; and

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

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

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

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

4 (A) The legislative council.

5 (B) The budget committee.

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

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

10 (E) A statutory board or commission.

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

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

17 SECTION 14. [EFFECTIVE JULY 1, 2013] **(a) As used in this**
 18 **SECTION, "commission" refers to the Indiana lobby registration**
 19 **commission established by IC 2-7-1.6-1.**

20 **(b) Lobbyist registration statements originally issued for**
 21 **calendar year 2013 under IC 2-7-2, before its amendment by this**
 22 **act, expire November 1, 2013.**

23 **(c) Not later than October 1, 2013, the commission shall provide**
 24 **that paper registration forms that comply with IC 2-7-2, as**
 25 **amended by this act, have been approved and are available to**
 26 **lobbyists.**

27 **(d) Not later than October 1, 2013, the commission shall provide**
 28 **that its online system has been updated for the registration year**
 29 **that begins November 1, 2013, so that:**

30 **(1) lobbyists who have completed the process to use that**
 31 **system to file registration statements may do so; and**

32 **(2) all lobbyists have the ability to download the registration**
 33 **forms.**

34 **(e) For the reporting year that begins November 1, 2013, the**
 35 **commission, notwithstanding IC 2-7-2-1.5, as added by this act,**
 36 **may grant a blanket exception to the electronic filing requirements**
 37 **for registration statements and activity reports. If the commission**
 38 **grants a blanket exception for that reporting year, a lobbyist is not**

1 **required to pay the additional fee prescribed in IC 2-7-2-1, as**
2 **amended by this act.**

3 **(f) This SECTION expires July 1, 2015.**

4 **SECTION 15. An emergency is declared for this act."**

5 Page 2, line 10, delete "by which publication of the notice
6 precedes".

7 Page 2, delete lines 11 through 41.

8 Renumber all SECTIONS consecutively.

(Reference is to HB 1222 as introduced.)

and when so amended that said bill do pass.

Representative Mahan