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 2012 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1222

AN ACT to amend the Indiana Code concerning the general assembly.

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

SECTION 1. IC 2-7-1-8, AS AMENDED BY P.L.58-2010, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 8. "Legislative person" means any of the following:

(1) A member.

(2) A candidate.

(3) An officer of the general assembly.

(4) An employee of the ~~general assembly.~~ **legislative department of state government.**

(5) A member of the immediate family of anyone described in subdivision (1), (2), (3), or (4). A lobbyist who is a close relative of a legislative person is not considered a legislative person.

(6) A paid consultant of the general assembly.

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

SECTION 2. IC 2-7-1-10, AS AMENDED BY P.L.58-2010, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) "Lobbyist" means any person who:

(1) engages in lobbying; and

(2) in any registration year, receives or expends an aggregate of at least five hundred dollars ($500) in compensation or expenditures reportable under this article for lobbying, whether

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the compensation or expenditure is solely for lobbying or the lobbying is incidental to that individual's regular employment.

(b) The following are not considered lobbyists:

(1) A public employee or public official.

(2) The National Conference of State Legislatures.

(3) The National Conference of Insurance Legislators.

(4) The American Legislative Exchange Council.

(5) Women in Government.

(6) The Council of State Governments.

(7) The National Black Caucus of State Legislators.

(8) Any other national organization established for the education and support of legislative leadership, legislators, legislative staff, or related government employees.

(c) The annual registration fee imposed under IC 2-7-2-1 is not to be considered for purposes of determining whether a person is a lobbyist as defined in subsection (a).

SECTION 3. IC 2-7-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2013]: Sec. 1. (a) **For each reporting year,** each lobbyist shall file ~~annually~~ with the commission a registration statement under oath accompanied by the registration fee required by this section. **Except as otherwise provided in section 1.5 of this chapter, a lobbyist shall use the commission's online system to file the lobbyist's registration statement electronically.**

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

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

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

(2) The lobbyist:

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

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

SECTION 4. IC 2-7-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 1.5. (a) A lobbyist may submit a written request that the commission grant an exception to the electronic filing required in section 1 of this chapter and IC 2-7-3-1.**

(b) A lobbyist must file a request for an exception under subsection (a) not later than sixty (60) days before the start of the

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reporting year for which the request is filed using the form prescribed by the commission.

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

(d) If the commission grants an exception, the lobbyist must pay the commission an additional filing fee. The amount of the additional fee equals the amount that the lobbyist would have been required to pay the state's third party vendor to file registration statements and activity reports electronically for that reporting year.

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

SECTION 5. IC 2-7-2-2, AS AMENDED BY P.L.58-2010, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2013]: Sec. 2. (a) **The term of a registration statement is the same as the term of the reporting year for which the statement is filed.** Each registration statement shall be filed not later than ~~January 15~~ **the first day of the reporting year,** or within fifteen (15) **business** days after a person becomes a lobbyist, whichever is later. ~~Each registration statement expires on December 31 of the year for which it was issued.~~ The commission may accept registration statements **for a period of up to sixty (60) days** before ~~January 1~~ **the first day** of the **reporting** year to which they apply, as the commission determines.

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

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

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

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

(b) Except as otherwise provided in IC 2-7-2-1.5, a lobbyist shall use the commission's online system to file the lobbyist's semiannual

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activity reports electronically.

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

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

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

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

SECTION 8. IC 2-7-3-3.3, AS ADDED BY P.L.58-2010, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3.3. (a) This section does not apply to gifts made between close relatives.

(b) A lobbyist shall file a written report whenever the lobbyist makes a gift with respect to a legislative person that is required to be included in a report under section 3(a)(3) of this chapter.

(c) A report under this section must state the following:

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

(2) A description of the gift.

(3) The amount of the gift.

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

~~(1)~~ ~~The~~ commission

~~(2)~~ ~~The~~ **and the** legislative person **with respect** to whom the report is made.

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

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

(e) A lobbyist shall file a report required by this section not later than fifteen (15) business days after making the gift. A report filed

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under this section is confidential and is not available for public inspection or copying until ten (10) business days after the report is filed with the commission.

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

~~(1) A description of the gift.~~

~~(2) The amount of the gift.~~

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

(f) After the expiration of the confidentiality period prescribed in subsection (e), the commission shall provide a copy of a gift report to the following:

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

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

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

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

(1) A member or candidate.

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

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

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

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

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

(2) A description of the purchase.

(3) The amount of the purchase.

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

~~(1) The~~ commission

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

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

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

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

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

~~(1) A description of the purchase.~~

~~(2) The amount of the purchase.~~

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

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

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

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

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

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

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

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

SECTION 11. IC 2-7-4-6, AS AMENDED BY P.L.58-2010, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 6. (a) The commission shall inspect and audit at least five percent (5%) of all registration statements and reports filed

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with the commission under this ~~chapter~~ **article** by requiring the lobbyist to produce verifying documents. The statements and reports inspected and audited shall be selected at random by a computer random number generator. Nothing in this ~~chapter~~ **article** shall be construed as prohibiting the commission from inspecting and auditing any statement or report if the commission has reason to believe that a violation of this ~~chapter~~ **article** may have occurred.

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

SECTION 12. IC 2-7-5-9, AS AMENDED BY P.L.229-2011, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE NOVEMBER 1, 2010 (RETROACTIVE)]: Sec. 9. (a) This section does not apply to the following:

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

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

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

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

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

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

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

(1) total per legislative person:

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

(B) together more than two hundred fifty dollars ($250) during

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the ~~calendar~~ **reporting** year; and

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

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

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

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

(A) The legislative council.

(B) The budget committee.

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

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

(E) A statutory board or commission.

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

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

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

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

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

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

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

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

(e) For the reporting year that begins November 1, 2013, the commission, notwithstanding IC 2-7-2-1.5, as added by this act, may grant a blanket exception to the electronic filing requirements

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for registration statements and activity reports. If the commission grants a blanket exception for that reporting year, a lobbyist is not required to pay the additional fee prescribed in IC 2-7-2-1.5, as added by this act.

(f) This SECTION expires July 1, 2015.

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

Copy

Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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