

HANDBOOK FOR
State Colleges and Universities

2018



INDIANA LOBBY REGISTRATION COMMISSION

INDIANA LOBBY REGISTRATION COMMISSION

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Under IC 2-7-3.5, a state educational institution is required to file an annual report with the Indiana Lobby Registration Commission.

This handbook provides information about the annual reporting requirements and reporting policies and procedures. Please read and familiarize yourself with the handbook. In the event of any inconsistency between this handbook and the relevant statutory provisions, the statutory language governs.

The Indiana Lobby Registration Commission and its staff are ready to help you with any questions you may have about IC 2-7-3.5 or the annual report form prescribed by the Commission.

This handbook and the annual report form for the state educational institutions can be downloaded from the Commission's website at www.in.gov/ilrc

IF A STATE EDUCATIONAL INSTITUTION ENGAGES SOMEONE OTHER THAN AN EMPLOYEE TO LOBBY FOR THE INSTITUTION, THEN THE INSTITUTION MAY BE REQUIRED UNDER IC 2-7 TO REGISTER WITH AND REPORT TO THE COMMISSION AS A LOBBYIST. IN SUCH A CASE, THE INSTITUTION SHOULD CONSULT THE COMMISSION'S LOBBYIST HANDBOOK.

Sincerely,

INDIANA LOBBY REGISTRATION COMMISSION

Beverly Gard, *Commissioner*

Joe Micon, *Commissioner*

Sue Scholer, *Commissioner*

Terry White, *Commissioner*

COMMISSION STAFF

Edward E. Ferguson, *Executive Director & General Counsel*

Amy M. Nicholson, *Director of Operations*

Kaytie Barrett, *Senior Customer Service Representative*

Overview of Reporting Requirements

Who Must Report?

IC 2-7-3.5 applies to a state educational institution as defined in IC 21-7-13-32, which includes Ball State University, Indiana State University, Indiana University, Ivy Tech Community College, Purdue University, University of Southern Indiana, and Vincennes University. Under IC 2-7-3.5-4, each listed state college or university is required to file annual reports with the Commission.

What Constitutes Legislative Lobbying?

The term “lobbying” is defined in IC 2-7-1-9 to mean communicating by any means, or paying others to communicate by any means, with any legislative person with the purpose of influencing any legislative action.

Who is considered a Legislative Person?

The term “legislative person” is defined in IC 2-7-1-8. It included the following individuals:

- (1) A member of the general assembly.
- (2) A candidate for election to the general assembly.
- (3) An officer of the general assembly.
- (4) An employee of the legislative department of state government.
- (5) A close relative, as defined in IC 2-2.2-1-3, of anyone described in subdivision (1), (2), (3), or (4).
However, 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 legislative department of state government.

What is the Reporting Period?

The annual reporting year for state colleges and universities runs from November 1 of one year through October 31 of the following year.

When are Reports Due?

The due date for the annual report of a state college or university is November 30 of the year during which the period covered by the report ends. The first reports required under IC 2-7-3.5-2 are due November 30, 2015 and are to cover the reporting year that ends October 31, 2015.

What Must be Reported?

Under IC 2-7-3.5-2, a state college or university is to report certain expenditures for lobbying activities that are made by the institution, an affiliated entity of the institution, or an employee of the institution or affiliated entity who is reimbursed by either the institution or the affiliated entity. The type of expenditures that are to be reported are those that a lobbyist is required to report under IC 2-7-3-3(a)(3), which are expenditures for entertainment, including meals and drinks, or gifts, or both, that benefit a particular legislative person and that reach one of two reporting thresholds. The first threshold is \$50 or more in one day, and the second threshold is more than \$250 in a reporting year.

Exceptions to Reporting Requirements

Consistent with IC 2-7-3.5-2 and IC 2-7-3-3.5, a state educational institution is not to report:

- (1) Any amount that a legislative person contributed to an expenditure.
- (2) Expenditures or gifts relating to property or services received by a legislative person if the legislative person paid for the property or services the amount that would be charged to any purchaser of the property or services in the ordinary course of business.
- (3) Expenditures or gifts made between relatives unless the expenditure or gift is made in connection with a legislative action.
- (4) Expenditures or gifts relating to the performance of a legislative person’s official duties, including the legislative person’s service as a member of 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.

How is the State College or University to Report?

The state college or university is to file a single, aggregate annual report that includes all of the reportable expenditures for lobbying activities made by the institution, an affiliated entity of the institution, or an employee of the institution or affiliated entity that is reimbursed by either the institution or the affiliated entity. The state college or university is to use the form prescribed by the Commission to file its annual report. A copy of the form can be downloaded from the Commission’s website at www.in.gov/ilrc.

Under IC 2-7-3.5-5 a state college or university that has no reportable entertainment or gift expenses for a particular reporting year is still required to file a statement to that effect with the Commission. In such a case, the state college or institution should review the instructions for SECTION B of the reporting form prescribed by the Commission.

Where and How are Reports to be Filed?

The annual report from a state college or university is to be filed with the Commission using the following address:

**Indiana Lobby Registration Commission
10 W. Market Street, Ste. 2070
Indianapolis, IN 46204**

The rules for delivering the annual reports to the Commission are set forth below:

1. **Delivery through U.S. Postal Service.** A report will be considered to have been filed on time if it is mailed in an envelope that is properly addressed, has sufficient postage, and is postmarked by the due date. If a statement or report is sent by registered mail, the date of registration is considered the postmark date.
2. **Private Delivery Service.** A report that is delivered by a designated private delivery service will be considered to have been filed on time if the date that the private delivery service marks on the mailing label is on or before the due date for the report. For purposes of this delivery rule, the designated private delivery services are as follows:
 - a. **Federal Express (FedEx):** FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day, FedEx International Priority, and FedEx International First.
 - b. **United Parcel Service (UPS):** UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M., UPS Worldwide Express Plus, and UPS Worldwide Express.
 - c. **DHL Express (DHL):** DHL Same Day Service, DHL Next Day 10:30 A.M., DHL Next Day 12:00 P.M., DHL Next Day 3:00 P.M., and DHL 2nd Day Service.
3. **Hand Delivery.** Forms may be hand-delivered, Monday through Friday, during regular office hours - 8:30 AM - 4:30 PM. If you need copies to be file-stamped while you wait, you need to provide the copies.
4. **Email.** A report will be considered to have been filed on time if it is received via email and a message receipt is provided to the sender by the due date. The current email address can be found on the report form.

The Commission does not accept service by inter-office mail.

Instructions for Completing the Annual Report

A copy of the annual reporting form prescribed by the Commission is provided in Appendix 1.

SECTION A. Information About the State College or University

Line 1. Provide the name of the state educational institution.

Line 2. Provide the state educational institutions current business address and telephone number.

Line 3. Provide the complete name, telephone number and email address of the person who prepared the report for the state educational institution.

SECTION B. Certain Entertainment Expense and Gifts

Daily Threshold: A separate entry is required for a gift or entertainment expenditure or expenditures that benefit a particular legislative person and that total \$50 or more on a given day. The legislative person's name is to be entered in the first column. A brief description of the transaction is to be entered in the second column (entertainment or gift, or both). In the third column, enter the date on which the gift or entertainment transaction occurred. In the fourth column, enter the amount of the reportable gift and entertainment expenses for that legislative person on that date.

Reporting Year Threshold: If the total of the gift and entertainment expenditures that benefit a particular legislative person exceed \$250 in a reporting year and some of those transactions did not reach the daily reporting threshold, then a single additional entry that lists the total amount of those additional transactions is required. With respect to such an entry, the legislative person's name is to be entered in the first column. A brief description of the transaction or transactions is to be entered in the second column (entertainment or gift, or both). The phrase "Reporting Year" is to be entered in the third column. The amount of the additional gift and entertainment expenses that benefited the legislative person is to be entered in the fourth column.

SECTION C. Employer's Statement of No Reportable Expenses.

If a state college or university has no reportable gift or entertainment expenses for a particular reporting year, IC 2-7-3.5-5 requires it to file a statement to that effect with the Commission. On the report, the college or university should enter nothing in SECTION B, but should check the box in SECTION C verifying that the college or university had no reportable entertainment or gift expenses for the reporting year.

RELATED STATUTES

IC 2-7-1-1.3

"Candidate"

Sec. 1.3. "Candidate" refers to a candidate for election to the general assembly.

As added by P.L. 58-2010, SEC. 5.

IC 2-2.2-1-3

"Close relative"

Sec. 3. (a) "Close relative" refers to the following relatives of an individual:

- (1) The individual's parent.
- (2) The individual's spouse.
- (3) The individual's children.

(b) A relative by adoption, half-blood, marriage, or remarriage is considered a relative of whole kinship.

As added by Acts P.L. 123-2015, SEC. 2.

IC 2-7-1-4

"Gift"

Sec. 4. (a) "Gift" means the voluntary transfer of anything of value without consideration.

(b) The term does not include a contribution (as defined in IC 3-5-2-15).

As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.9-1993, SEC.3; P.L.58-2010, SEC.8.

IC 2-7-1-7

"Legislative action"

Sec. 7. "Legislative action" means any matter within the authority of the general assembly; it includes the drafting, introduction, consideration, modification, enactment, or defeat of any bill, resolution, amendment, report, or other matter by the general assembly or by either house or any committee, subcommittee, joint or select committee thereof, or by a member or employee of the general assembly acting in his official capacity. "Legislative action" also means the action of the governor in approving or vetoing any bill.

As added by Acts 1981, P.L.9, SEC.1.

IC 2-7-1-8

"Legislative person"

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 legislative department of state government.
- (5) A close relative of anyone described in subdivision (1), (2), (3), or (4). However, 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 legislative department of state government.

As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.58-2010, SEC.11; P.L.165-2013, SEC.1.

IC 2-7-1-9

"Lobbying"

Sec. 9. "Lobbying" means communicating by any means, or paying others to communicate by any means, with any legislative person with the purpose of influencing any legislative action.

As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.58-2010, SEC.12.

IC 2-7-1-10.5**“Member”**

Sec. 10.5. “Member”, except as used in section 8(5) of this chapter, IC 2-7-3-3(a), and IC 2-7-7-8, refers to a member of the general assembly.

As added by P.L. 58-2010, SEC. 14.

IC 2-2.2-1.17**“Relative”**

Sec. 17. (a) “Relative” of an individual refers to any of the following:

- (1) The individual’s spouse.
- (2) A Parent of the individual or a parent of the individual’s spouse.
- (3) A child of the individual or a child of the individual’s spouse.
- (4) A sibling of the individual or a sibling of the individual’s spouse.
- (5) An aunt or an uncle of the individual or an aunt or an uncle of the individual’s spouse.
- (6) A niece or nephew of the individual or a niece or nephew of the individual’s spouse.
- (7) A grandparent of the individual or a grandparent of the individual’s spouse.
- (8) A grandchild of the individual or a grandchild of the individual’s spouse.
- (9) A great-grandparent of the individual or a great-grandparent of the individual’s spouse.
- (10) A great-grandchild of the individual or a great-grandchild of the individual’s spouse.

(b) A relative by adoption, half-blood, marriage, or remarriage is considered as a relative of whole kinship.

As added by P.L. 123-2015, SEC.2.

[This definition of “relative” is incorporated by IC 2-7-1-16.5 and is applicable throughout IC 2-7.]

IC 21-7-13-32**“State educational institution”**

Sec. 32. (a) “State educational institution” means any university, college, or other educational institution:

- (1) existing on or after March 29, 1971;
 - (2) in Indiana;
 - (3) that provides programs of:
 - (A) collegiate or university education; or
 - (B) other post-secondary education; and
 - (4) that is supported in whole or in part by appropriations made by the general assembly.
- (b) The term refers to the following:
- (1) Ball State University.
 - (2) Indiana State University.
 - (3) Indiana University.
 - (4) Ivy Tech Community College
 - (5) Purdue University.
 - (6) University of Southern Indiana.
 - (7) Vincennes University.

As added by P.L.2-2007. SEC. 243.

Reporting Requirements for State Colleges and Universities
IC 2-7-3.5

Chapter 3.5. Reporting of Certain Expenditures by State Educational Institutions

IC 2-7-3.5-1

“Affiliated entity”

Sec. 1. As used in this chapter “affiliated entity” refers to a foundation or other entity established to benefit a state educational institution.

As added by P.L. 123-2015, SEC.15.

IC 2-7-3.5-2

“Reportable expenditure”

Sec. 2. As used in this chapter, “reportable expenditure” refers to an expenditure:

- (1) that is made by:
 - (A) a state educational institution;
 - (B) an affiliated entity of a state educational institution; or
 - (C) an employee of:
 - (i) a state educational institution; or
 - (ii) an affiliated entity of the state educational institution;that is reimbursed by the state educational institution or by an affiliated entity of the state educational institution;
- (2) made for lobbying activities; and
- (3) of a kind reportable under IC 2-7-3-3(a)(3) by a lobbyist.

As added by P.L. 123-2015, SEC.15.

IC 2-7-3.5-3

“State educational institution”

Sec. 3. As used in this chapter, “state educational institution” has the meaning set forth in IC 21-7-13-32.

As added by P.L. 123-2015, SEC. 15.

IC 2-7-3.5-4

Annual report of reportable expenditures

Sec. 4. (a) Each state educational institution shall annually file a report of all reportable expenditures.

(b) A report required by this chapter must:

- (1) be filed with the commission not later than November 30 of each year; and
- (2) cover the period from November 1 of the previous year through October 31 of the year in which the report is filed.

(c) The first report required by this chapter must:

- (1) be filed with the commission not later than November 30, 2015; and
- (2) cover the period from November 1, 2014, through October 31, 2015.

As added by P.L. 123-2015, SEC. 15.

IC 2-7-3.5-5

Report of no expenditures

Sec. 5. If a state education institution has no reportable expenditures, a statement of that fact is required and is sufficient to comply with the reporting requirements of this chapter.

As added by P.L. 123-2015, SEC. 15.

IC 2-7-3.5-6**Late fees**

Sec. 6. (a) Subject to subsections (b) and (c), the commission shall impose a late report fee of not more than one hundred dollars (\$100) per day for each day after the deadline until the report is filed.

(b) The late report fee shall not exceed four thousand five hundred dollars (\$4,500).

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

As added by P.L. 123-2015, SEC. 15.

IC 2-7-3.5-7**Posting reports on commission Internet web site**

Sec. 7. (a) The commission shall post reports received under this chapter on the commission's Internet web site.

(b) If the commission does not receive a report from a state educational institution under this chapter, the commission shall notify the state educational institution and post a copy of the notice on the commission's Internet web site.

As added by P.L. 123-2015, SEC. 15.