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# HOUSE BILL No. 1551

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-7; IC 4-13.6-6-5; IC 5-22-16-7; IC 36-1-12-22.

**Synopsis:** Political expenditures. Provides that the activities of a person or organization to communicate by any means, or to pay others to communicate by any means, to inform the general public or urge the general public to take an action to influence any legislative action is lobbying. Requires such a person or organization to register as a lobbyist and report certain information. Provides that persons making certain political contributions may not be considered responsible for one year after the date of the contribution for purposes of awarding contracts by a state agency or a political subdivision.

**Effective:** July 1, 2007.

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January 23, 2007, read first time and referred to Committee on Public Policy.

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First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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## HOUSE BILL No. 1551

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 2-7-1-9 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2007]: Sec. 9. "Lobbying" means **either of the**  
3 **following:**

4 (1) Communicating by any means, or paying others to  
5 communicate by any means, with any legislative official with the  
6 purpose of influencing any legislative action.

7 (2) **The activities of a public advocacy organization to**  
8 **influence any legislative action.**

9 SECTION 2. IC 2-7-1-12.5 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2007]: **Sec. 12.5. "Public advocacy organization" means a person**  
12 **or an organization that communicates by any means, or pays**  
13 **others to communicate by any means, to:**

14 (1) **inform the general public; or**

15 (2) **urge the general public to take an action;**

16 **to influence public policy.**

17 SECTION 3. IC 2-7-2-4.5 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2007]: **Sec. 4.5. The registration statement of a lobbyist that is a  
3 public advocacy organization must include the following  
4 information:**

- 5 **(1) The full name of the organization.**
- 6 **(2) The organization's business address and telephone  
7 number.**
- 8 **(3) The full name of the individuals who set the policies or  
9 control the operation of the organization.**
- 10 **(4) The subject matter for which the organization advocates.**

11 SECTION 4. IC 2-7-3-3 IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) The activity reports of each  
13 lobbyist shall include the following:**

- 14 **(1) A complete and current statement of the information required  
15 to be supplied under IC 2-7-2-3 and IC 2-7-2-4.**
- 16 **(2) Total expenditures on lobbying (prorated, if necessary) broken  
17 down to include at least the following categories:**
  - 18 **(A) Compensation to others who perform lobbying services.**
  - 19 **(B) Reimbursement to others who perform lobbying services.**
  - 20 **(C) Receptions.**
  - 21 **(D) Entertainment, including meals. However, a function to  
22 which the entire general assembly is invited is not lobbying  
23 required to be reported under this article.**
  - 24 **(E) Gifts made to an employee of the general assembly or a  
25 member of the immediate family of an employee of the general  
26 assembly.**
  - 27 **(F) If the lobbyist is a public advocacy organization,  
28 advertising, mass mailings, publications, communications  
29 in the mass media, or other efforts to inform the general  
30 public or to urge the general public to take any action to  
31 influence legislative action. The lobbyist must provide the  
32 following information relating to the lobbyist's expenses  
33 under this clause:**
    - 34 **(i) The name of each person that carried the lobbyist's  
35 communications.**
    - 36 **(ii) The dates that communications were made.**
    - 37 **(iii) The dollar amount spent on the communications  
38 with each person that carried the lobbyist's  
39 communication.**
    - 40 **(iv) The total amount spent on communications  
41 described in this clause.**
  - 42 **(G) If the lobbyist is a public advocacy organization, the**

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**name and business address of any person that contributed money or other property to the organization with a value of at least one thousand dollars (\$1,000) during the reporting period.**

(3) A statement of expenditures and gifts that equal one hundred dollars (\$100) or more in one (1) day, or that together total more than five hundred dollars (\$500) during the calendar year, if the expenditures and gifts are made by the registrant or ~~his~~ **the registrant's** agent to benefit:

- (A) a member of the general assembly;
- (B) an officer of the general assembly;
- (C) an employee of the general assembly; or
- (D) a member of the immediate family of anyone included in clause (A), (B), or (C).

(4) Whenever a lobbyist makes an expenditure that is for the benefit of all of the members of the general assembly on a given occasion, the total amount expended shall be reported, but the lobbyist shall not prorate the expenditure among each member of the general assembly.

(5) A list of the general subject matter of each bill or resolution concerning which a lobbying effort was made within the registration period.

(6) The name of the beneficiary of each expenditure or gift made by the lobbyist or ~~his~~ **the lobbyist's** agent that is required to be reported under subdivision (3).

(7) The name of each member of the general assembly from whom the lobbyist has received an affidavit required under IC 2-2.1-3-3.5.

(b) In the second semiannual report, when total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire reporting year.

(c) An amount reported under this section is not required to include the following:

- (1) Overhead costs.
- (2) Charges for any of the following:
  - (A) Postage.
  - (B) Express mail service.
  - (C) Stationery.
  - (D) Facsimile transmissions.
  - (E) Telephone calls.
- (3) Expenditures for the personal services of clerical and other support staff persons who are not lobbyists.

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- 1 (4) Expenditures for leasing or renting an office.
- 2 (5) Expenditures for lodging, meals, and other personal expenses
- 3 of the lobbyist.

4 SECTION 5. IC 4-13.6-6-5 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 6 1, 2007]: **Sec. 5. (a) As used in this section, "contribution" has the**  
 7 **meaning set forth in IC 3-5-2-15.**

8 **(b) A person may not be considered responsible for one (1) year**  
 9 **after the date of the contribution if any of the following apply:**

- 10 **(1) For purposes of a contract awarded by a state agency, the**  
 11 **person makes a contribution to a candidate for governor.**
- 12 **(2) For purposes of a contract awarded by a state agency**  
 13 **whose agency head holds a state office, the person makes a**  
 14 **contribution to a candidate for that state office.**

15 SECTION 6. IC 5-22-16-7 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 17 1, 2007]: **Sec. 7. (a) As used in this section, "contribution" has the**  
 18 **meaning set forth in IC 3-5-2-15.**

19 **(b) A person may not be considered responsible for one (1) year**  
 20 **after the date of the contribution if any of the following apply:**

- 21 **(1) For purposes of a contract awarded by a state agency, the**  
 22 **person makes a contribution to a candidate for governor.**
- 23 **(2) For purposes of a contract awarded by a state agency**  
 24 **whose agency head holds a state office, the person makes a**  
 25 **contribution to a candidate for that state office.**
- 26 **(3) For purposes of a contract awarded by a political**  
 27 **subdivision, the person makes a contribution to a candidate**  
 28 **for the executive (as defined in IC 36-1-2-5) of the political**  
 29 **subdivision.**

30 **(4) For purposes of a contract awarded by any governmental**  
 31 **body, the person makes a contribution to a candidate for an**  
 32 **office that participates in the decision to award the contract.**

33 SECTION 7. IC 36-1-12-22 IS ADDED TO THE INDIANA CODE  
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 35 1, 2007]: **Sec. 22. (a) As used in this section, "contribution" has the**  
 36 **meaning set forth in IC 3-5-2-15.**

37 **(b) A person may not be considered responsible for one (1) year**  
 38 **after the date of the contribution if any of the following apply:**

- 39 **(1) The person makes a contribution to a candidate for the**  
 40 **executive of the political subdivision awarding the contract.**
- 41 **(2) The person makes a contribution to a candidate for an**  
 42 **office that participates in the decision to award the contract.**

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1           SECTION 8. [EFFECTIVE JULY 1, 2007] (a) **The definitions in**  
2 **IC 2-7-1, as amended by this act, apply throughout this SECTION.**  
3           **(b) The requirement for a public advocacy organization that**  
4 **engages in lobbying to:**  
5               **(1) register as a lobbyist under IC 2-7, as amended by this act;**  
6               **and**  
7               **(2) report lobbying activities under IC 2-7-3, as amended by**  
8               **this act;**  
9 **applies only to lobbying activities that occur after December 31,**  
10 **2007.**  
11           **(c) This SECTION expires July 1, 2009.**

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