

IC 2-7-3

Chapter 3. Activity Reports

IC 2-7-3-1

Filing requirement; online filing

Sec. 1. (a) Each lobbyist shall file semiannually with the commission an activity report under oath. A lobbyist shall file a separate activity report relating to each person from whom 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 activity reports electronically.

As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.10; P.L.165-2013, SEC.6.

IC 2-7-3-2

Time of filing; failure to file; penalty; limitation

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.

As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.11; P.L.9-1993, SEC.11; P.L.162-2003, SEC.1; P.L.58-2010, SEC.16; P.L.165-2013, SEC.7.

IC 2-7-3-3

Activity report contents; reporting thresholds; excluded items

Sec. 3. (a) The activity reports of each lobbyist shall include the following information:

(1) A complete and current statement of the information required to be supplied under IC 2-7-2-3 and IC 2-7-2-4.

(2) Total expenditures on lobbying (prorated, if necessary) broken down to include at least the following categories:

(A) Compensation to others who perform lobbying services.

(B) Reimbursement to others who perform lobbying services.

(C) Receptions.

(D) Entertainment, including meals.

- (E) Gifts made to a legislative person.
- (3) Subject to section 3.5 of this chapter, a statement of each:
 - (A) expenditure for entertainment (including meals and drink); or
 - (B) gift;that equals fifty dollars (\$50) or more in one (1) day, or expenditures for entertainment (including meals and drink) or gifts that together total more than two hundred fifty dollars (\$250) during the reporting year, if the expenditures and gifts are made by the lobbyist or the lobbyist's agent to benefit a specific legislative person.
- (4) A list of the general subject matter of each bill or resolution concerning which a lobbying effort was made within the registration period.
- (5) The name of each member of the general assembly from whom the lobbyist has received an affidavit required under IC 2-2.2-2-8.
- (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.
 - (F) Electronic communications.
 - (3) Expenditures for the personal services of clerical and other support staff persons who are not lobbyists.
 - (4) Expenditures for leasing or renting an office.
 - (5) Expenditures for lodging, meals, and other personal expenses of the lobbyist.
- (d) A report of an expenditure under subsection (a)(3) must state the following information:
 - (1) The name of the lobbyist making the expenditure.
 - (2) A description of the expenditure.
 - (3) The amount of the expenditure.

As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.5; P.L.3-1992, SEC.12; P.L.9-1993, SEC.12; P.L.58-2010, SEC.17; P.L.225-2011, SEC.1; P.L.123-2015, SEC.11.

IC 2-7-3-3.3

Reporting gifts to legislative persons; report filing; contents; filing deadlines; report temporarily confidential; compiled reports provided to members and candidates; late fees

Sec. 3.3. (a) This section does not apply to gifts made between

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 the commission and the legislative person with respect to whom the report is made.

(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 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) 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.

(g) Subject to subsections (h) and (i), 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.

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

(i) 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.58-2010, SEC.18. Amended by P.L.165-2013, SEC.8; P.L.123-2015, SEC.12.

IC 2-7-3-3.5

Rules for reporting expenditures and gifts

Sec. 3.5. (a) If an expenditure for entertainment (including meals and drink) or a gift can clearly and reasonably be attributed to a particular legislative person, the expenditure must be reported with respect to that particular legislative person.

(b) A report of an expenditure with respect to a particular legislative person:

- (1) must report actual amounts; and
- (2) may not allocate to the particular legislative person a prorated amount derived from an expense made with respect to several legislative persons;

to the extent practicable.

(c) An activity report must report expenditures for a function or

activity to which all the members of a legislative body are invited. Expenditures reported for a function or activity described in this subsection may not be allocated and reported with respect to a particular legislative person.

(d) If two (2) or more lobbyists contribute to an expenditure, each lobbyist shall report the actual amount the lobbyist contributed to the expenditure. For purposes of reporting such an expenditure, the following apply:

(1) For purposes of determining whether the expenditure is reportable, the total amount of the expenditure with respect to a particular legislative person must be determined and not the amount that each lobbyist contributed to that expenditure.

(2) Each lobbyist shall report the actual amount the lobbyist contributed to the expenditure, even if that amount would not have been reportable under this section if only one (1) lobbyist made an expenditure of that amount.

(e) The report of an expenditure with respect to a particular legislative person may not include any amount that the particular legislative person contributed to the expenditure.

(f) An activity report may not report 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.

(g) An activity report may not report expenditures or gifts made between relatives unless the expenditure or gift is made in connection with a legislative action.

(h) An activity report may not report 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:

(1) The legislative council.

(2) The budget committee.

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

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

(5) A statutory board or commission.

(i) An activity report may not report a contribution (as defined in IC 3-5-2-15).

As added by P.L.58-2010, SEC.19. Amended by P.L.123-2015, SEC.13.

IC 2-7-3-4

Substantiation; preservation of documents; inspection

Sec. 4. Each lobbyist shall obtain and preserve all documents necessary to substantiate the activity reports required under this chapter for four (4) years from the date of filing of the report containing these items. The lobbyist shall make these materials available for inspection upon request by the commission.

As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.3-1992, SEC.13.

IC 2-7-3-5

Termination report; contents

Sec. 5. Every person who files a notice of termination as provided in IC 2-7-2-5 must file a termination report covering the semiannual reporting period or portion thereof immediately preceding the termination of his registration statement; such report shall contain the information required by section 3 of this chapter.

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

IC 2-7-3-6

Repealed

(As added by P.L.9-1993, SEC.13. Amended by P.L.2-1997, SEC.1; P.L.205-1999, SEC.7; P.L.162-2003, SEC.2; P.L.86-2004, SEC.1. Repealed by P.L.58-2010, SEC.35.)

IC 2-7-3-7

Report of purchases by lobbyist from member or candidate; contents; filing deadlines; report temporarily confidential; compiled reports provided to members and candidates; late fees

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 the commission and the member or candidate with respect to whom the report is made.

(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) 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.

(h) Subject to subsections (i) and (j), 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.

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

(j) 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.58-2010, SEC.20. Amended by P.L.165-2013, SEC.9; P.L.123-2015, SEC.14.