

IC 2-7-5

Chapter 5. Prohibitions

IC 2-7-5-1

Legislative persons; compensation for engaging in lobbying

Sec. 1. A legislative person may not receive compensation or reimbursement other than from the state for personally engaging in lobbying.

As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.58-2010, SEC.23.

IC 2-7-5-2

Full-time public officials and employees; compensation

Sec. 2. Subject to the provisions of IC 2-7-2-6(a), it is unlawful for any full-time public official or public employee in the state of Indiana, to receive compensation, other than the regular compensation of elected or appointed officials, for lobbying.

As added by Acts 1981, P.L.9, SEC.1. Amended by Acts 1982, P.L.9, SEC.7.

IC 2-7-5-3

State central committee of political party; compensation

Sec. 3. Subject to the provisions of IC 2-7-2-6(d), it is unlawful for any officer or employee of the state central committee of a political party to receive compensation, other than for the regular compensation of such officers and employees, for lobbying.

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

IC 2-7-5-4

Former members of general assembly; presence during legislative session

Sec. 4. No past member of the general assembly who is a lobbyist may be on the floor of either house while that house is in session.

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

IC 2-7-5-5

Contingent fees

Sec. 5. It is unlawful for any person to be a lobbyist for a compensation dependent upon the success of his lobbying efforts, or upon any contingency connected with the administrative action or legislative action.

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

IC 2-7-5-6 Version a

Persons forbidden to register

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 6. The following persons may not be registered as a lobbyist under this article:

- (1) Any individual convicted of a felony for violating any law

while the individual was an officer or employee of any agency of state government or a unit of local government.

- (2) Any person convicted of a felony relating to lobbying.
- (3) Any person convicted of a felony and who:
 - (A) is in prison;
 - (B) is on probation; or
 - (C) has been in prison or on probation within the immediate past one (1) year.
- (4) Any person whose:
 - (A) statement or report required to be filed under this article was found to be materially incorrect as a result of a determination under IC 2-7-6-5; and
 - (B) who has not filed a corrected statement or report for that year when requested to do so by the commission.
- (5) Any person who has failed to pay a civil penalty assessed under IC 2-7-6-5.
- (6) Any person who is on the most recent tax warrant list supplied to the commission by the department of state revenue until:
 - (A) the person provides a statement to the commission indicating that the person's delinquent tax liability has been satisfied; or
 - (B) the commission receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.6-1985, SEC.2; P.L.6-1987, SEC.2; P.L.332-1989(ss), SEC.1; P.L.3-1992, SEC.23.

IC 2-7-5-6 Version b

Persons forbidden to register

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 6. The following persons may not be registered as a lobbyist under this article:

- (1) Any individual convicted of a felony for violating any law while the individual was an officer or employee of any agency of state government or a unit of local government.
- (2) Any person convicted of a felony relating to lobbying.
- (3) Any person convicted of a felony and who:
 - (A) is in prison;
 - (B) is on probation; or
 - (C) has been in prison or on probation within the immediate past one (1) year.
- (4) Any person whose:
 - (A) statement or report required to be filed under this article was found to be materially incorrect as a result of a determination under IC 2-7-6-5; and
 - (B) who has not filed a corrected statement or report for that year when requested to do so by the commission.
- (5) Any person who has failed to pay a civil penalty assessed

under IC 2-7-6-5.

(6) Any person who is on the most recent tax warrant list supplied to the commission by the department of state revenue until:

(A) the person provides a statement to the commission indicating that the person's tax warrant has been satisfied; or

(B) the commission receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by Acts 1981, P.L.9, SEC.1. Amended by P.L.6-1985, SEC.2; P.L.6-1987, SEC.2; P.L.332-1989(ss), SEC.1; P.L.3-1992, SEC.23; P.L.172-2011, SEC.2.

IC 2-7-5-7

After 2011, individual may not be lobbyist or legislative liaison for 365 days after date individual ceases to be a member of general assembly

Effective 1-1-2012.

Sec. 7. (a) An individual who is a member of the general assembly after December 31, 2011, may not be:

(1) registered as a lobbyist under this article; or

(2) employed as a legislative liaison;

during the period described in subsection (b).

(b) The period referred to in subsection (a):

(1) begins on the day the individual ceases to be a member of the general assembly; and

(2) ends three hundred sixty-five (365) days after the date the individual ceases to be a member of the general assembly.

As added by P.L.58-2010, SEC.24.

IC 2-7-5-7.1

Candidates for general assembly in 2010 and certain members may not be lobbyists or legislative liaisons before 6-1-2011; expiration of section

Sec. 7.1. (a) This section applies only to an individual who is a:

(1) candidate for nomination for election to the general assembly in 2010; or

(2) member of the general assembly on November 3, 2010.

(b) An individual described in subsection (a) may not be:

(1) registered as a lobbyist under this article; or

(2) employed as a legislative liaison;

before June 1, 2011.

(c) An individual described in subsection (a) may be registered as a lobbyist after May 31, 2011.

(d) This section expires January 1, 2012.

As added by P.L.58-2010, SEC.25.

IC 2-7-5-8

Lobbyist may not make certain gifts to legislative person without consent of legislative person; exception

Sec. 8. (a) This section does not apply to gifts made between close

relatives.

(b) A lobbyist may not make a gift with a value of fifty dollars (\$50) or more to a legislative person unless the lobbyist receives the consent of the legislative person before the gift is made. The lobbyist must inform the particular legislative person of the cost of the gift at the time the lobbyist seeks the consent of the legislative person.

As added by P.L.58-2010, SEC.26.

IC 2-7-5-9

Lobbyist may not pay for or reimburse for legislative person's travel expenses outside Indiana; exceptions

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.

(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.

As added by P.L.58-2010, SEC.27. Amended by P.L.229-2011, SEC.41.

IC 2-7-5-10

Lobbyist conflict of interest; lobbyist must file with commission written statement for resolution of conflicts; statement must be included in contract between lobbyist and client; lobbyist may not represent client when there is a conflict of interest; exceptions

Sec. 10. (a) Except as provided in subsection (c), this section does not apply to a lobbyist if the lobbyist's activity under this chapter is governed by the Rules of Professional Conduct of the Indiana supreme court.

(b) As used in this section, "conflict of interest" means a circumstance where:

(1) the representation of a client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one (1) or more clients will be materially limited by the lobbyist's responsibilities to:

(A) another client; or

(B) a personal interest of the lobbyist.

(c) A lobbyist shall file with the commission a written statement that describes the procedures that the lobbyist and the lobbyist's client will follow if the lobbyist or the client determines at any time that the lobbyist's representation of the client might involve a conflict of interest. The lobbyist shall file the statement with the commission at the time the lobbyist files the lobbyist's annual registration statement under IC 2-7-2. If the lobbyist's activity under this chapter is governed by the Rules of Professional Conduct of the Indiana supreme court, the lobbyist shall file a statement to that effect with the commission.

(d) The statement filed under subsection (c) must be included in the agreement between the lobbyist and the client for the lobbyist's services as a lobbyist.

(e) A lobbyist may not represent a client if the representation involves a conflict of interest except as is provided in the statement filed by the lobbyist under subsection (c).

As added by P.L.58-2010, SEC.28.