Informal Advice

Lobbyists and the Title 7.1 Alcohol Code Revision Commission

Approved by the Indiana Lobby Registration Commission on
October 23, 2017

On May 25, 2017, the Indiana Legislative Council of the Indiana General Assembly adopted Legislative Council Resolution 17-01, which established study committees and commissions. SECTION 9 of the Resolution established the Title 7.1 Alcohol Code Revision Commission (hereinafter “the Commission”).

Lobbyists and others have posed questions as to whether or not, and how, to invite members of the Commission to receptions and events, particularly in light of subsection (e)(3) of SECTION 9, which reads as follows:

(e) An individual may not serve on the commission if the individual:
(1) is a lobbyist;
(2) is an individual;
   (A) who (by themselves or with others) has an ownership interest in a
   permit issued under IC 7.1-3 or IC 7.1-4 (or any predecessor statutes); or
   (B) employed by, having a contractual relationship with, or having a
   partial or full ownership interest in a person with an ownership interest in
   a permit issued under IC 7.1-3 or IC 7.1-4 (or any predecessor statutes); or
(3) after being appointed to the commission, accepts a gift or entertainment from
   a person that:
   (A) has an ownership interest in a permit issued under IC 7.1-3 or IC 7.1-4
   (or a predecessor statute); or
   (B) is employed by, has a contractual relationship with, or has a partial or
   full ownership interest in a person that has an ownership interest in a
   permit issued under IC 7.1-3 or IC 7.1-7-4 (or a predecessor statute).

An individual appointed to the commission shall notify the executive director of the Legislative Services Agency in writing of any noncompliance with this subsection.

Subsection (e)(3) does not prohibit a lobbyist (“person”) from inviting a member of the Commission to a reception or event where entertainment (including food and drink) may be provided for consumption by attendees. In fact, the reporting requirements of IC 2-7-3-3.5(c), which provide for aggregate reporting for an “all members” function, often make it more practical for a lobbyist to invite all members of a “legislative body” (as defined in IC 2-7-1-7.2) to a reception or event.

Nevertheless, for reasons of courtesy, and in order to protect Commission members from inadvertently or mistakenly accepting a gift or entertainment from such a person, it is recommended that any invitation to a reception or event where food and drink will
be provided for consumption by attendees and where one or more of the hosts/sponsors of the reception or event has an ownership interest in a permit issued under IC 7.1-3 or IC7.1-4 (or a predecessor statute), or is employed by, has a contractual relationship with, or has a partial or full ownership interest in a person that has an ownership interest in a permit issued under IC 7.1-3 or IC 7.1-7-4 (or a predecessor statute), be worded so as to make it clear to invitees that:

(a) “All members” are being invited to the reception or event.
(b) Invitees who are also members of the Commission should be reminded that they may not consume food or drink provided by the host(s) of the reception or event unless they pay for the full value of the food and drink, before it is consumed.
(c) Invitees should contact the host for more information regarding the cost of attending the event.

An invitation which contains the above elements will allow a Commission member to consider all factors, including the cost of the food and drink, in determining whether or not to attend the reception or event.

Note that the definition of a “legislative body” under IC 2-7-1-7.2 is expansive, and includes not only the entire general assembly, but also the house of representatives, the senate, standing or other committees established by either the house of representatives or the senate, committees established by statute or by the legislative council, and a caucus of the house of representatives or the senate. Therefore, a lobbyist as described above that wishes to report expenditures in the aggregate for a function or activity to which all the members of a legislative body are invited should also use the invitation guidelines previously discussed.

Suggested language for invitations to “all-member” events follows:

This invitation is being extended to all members of the (insert the name of the legislative body). Please note that a member of the IC 7.1 Alcohol Code Revision Commission may not consume food or drink provided by the hosts at this event unless they pay for it in advance of its consumption. Please contact (insert the name and contact information of the host) for more information regarding the cost of attending this event.

Alternatively, the host(s) of a reception or event may wish to provide a cash bar and cash food service for members of the IC 7.1 Alcohol Code Revision Commission. In that case, the last sentence of the suggested language for invitations should read, “A cash bar and cash food service will be provided.”

This Informal Advice expires on December 31, 2018.