

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1130 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-2-6-11, AS AMENDED BY P.L.1-2007,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2011]: Sec. 11. (a) As used in this section, "particular matter"
- 6 means:
- 7 (1) an application;
- 8 (2) a business transaction;
- 9 (3) a claim;
- 10 (4) a contract;
- 11 (5) a determination;
- 12 (6) an enforcement proceeding;
- 13 (7) an investigation;
- 14 (8) a judicial proceeding;
- 15 (9) a lawsuit;
- 16 (10) a license;
- 17 (11) an economic development project; or
- 18 (12) a public works project.
- 19 The term does not include the proposal or consideration of a legislative
- 20 matter or the proposal, consideration, adoption, or implementation of
- 21 a rule or an administrative policy or practice of general application.
- 22 (b) This subsection applies only to a person who served as a state
- 23 officer, employee, or special state appointee after January 10, 2005. A
- 24 former state officer, employee, or special state appointee may not

1 accept employment or receive compensation **before the elapse of at**
 2 **least three hundred sixty-five (365) days after the date on which the**
 3 **former state officer, employee, or special state appointee ceases to**
 4 **be a state officer, employee, or special state appointee to do any of**
 5 **the following:**

6 (1) **Act** as a lobbyist.

7 (2) **from an employer Be employed by a person** if the former
 8 state officer, employee, or special state appointee was:

9 (A) engaged in the negotiation or the administration of one (1)
 10 or more contracts with that **employer person** on behalf of the
 11 state or an agency; and

12 (B) in a position to make a discretionary decision affecting the:

13 (i) outcome of the negotiation; or

14 (ii) nature of the administration. ~~or~~

15 (3) **from an employer Be employed by a person** if the former
 16 state officer, employee, or special state appointee made a
 17 regulatory or licensing decision that directly applied to the
 18 **employer person** or to a parent or subsidiary of the **employer;**
 19 **person. This subdivision applies to an individual who acted as**
 20 **an administrative law judge in a regulatory or licensing**
 21 **matter, even if the individual's decision as an administrative**
 22 **law judge:**

23 (A) **did not constitute the final agency action (as defined in**
 24 **IC 4-21.5-1-6) of the agency for which the individual acted**
 25 **as an administrative law judge; or**

26 (B) **was subject to the approval of another individual or**
 27 **body.**

28 ~~before the elapse of at least three hundred sixty-five (365) days after~~
 29 ~~the date on which the former state officer, employee, or special state~~
 30 ~~appointee ceases to be a state officer, employee, or special state~~
 31 ~~appointee:~~

32 (c) A former state officer, employee, or special state appointee may
 33 not represent or assist a person in a particular matter involving the state
 34 if the former state officer, employee, or special state appointee
 35 personally and substantially participated in the matter as a state officer,
 36 employee, or special state appointee, even if the former state officer,
 37 employee, or special state appointee receives no compensation for the
 38 representation or assistance.

39 (d) A former state officer, employee, or special state appointee may
 40 not accept employment or compensation from an employer if the
 41 circumstances surrounding the employment or compensation would
 42 lead a reasonable person to believe that:

43 (1) employment; or

44 (2) compensation;

45 is given or had been offered for the purpose of influencing the former
 46 state officer, employee, or special state appointee in the performance

1 of his or her duties or responsibilities while a state officer, an
2 employee, or a special state appointee.

3 (e) A written advisory opinion issued by the commission certifying
4 that:

- 5 (1) employment of;
- 6 (2) representation by; or
- 7 (3) assistance from;

8 the former state officer, employee, or special state appointee does not
9 violate this section is conclusive proof that a former state officer,
10 employee, or special state appointee is not in violation of this section.

11 (f) Subsection (b) does not apply to a special state appointee who
12 serves only as a member of an advisory body.

13 ~~(g) An employee's or a special state appointee's state officer or~~
14 ~~appointing authority may waive application of subsection (b) or (c) in~~
15 ~~individual cases when consistent with the public interest. Waivers must~~
16 ~~be in writing and filed with the commission. The inspector general may~~
17 ~~adopt rules under IC 4-22-2 to establish criteria for post employment~~
18 ~~waivers."~~

19 Page 3, after line 7, begin a new paragraph and insert:

20 "SECTION 4. IC 8-1-1-16 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2011]: **Sec. 16. IC 4-2-6-11(b) and IC 4-2-6-11(c) apply to each:**

23 **(1) member of the commission; and**

24 **(2) administrative law judge employed by the commission;**

25 **with respect to any person subject to the commission's regulatory**
26 **authority.**

27 SECTION 5. IC 8-1-1.1-2 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) There is created
29 the office of utility consumer counselor. The office shall be
30 administered by the consumer counselor appointed under section 3 of
31 this chapter.

32 **(b) IC 4-2-6-11(b) and IC 4-2-6-11(c) apply to the counselor with**
33 **respect to any person subject to the regulatory authority of the**
34 **commission, the department of state revenue, or the Indiana**
35 **department of transportation."**

36 Renumber all SECTIONS consecutively.

(Reference is to HB 1130 as printed January 12, 2011.)

Representative Riecken