
HOUSE BILL No. 1352

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-1.5-5; IC 3-5-2-48; IC 3-8-1; IC 3-10; IC 3-11-2-12; IC 4-1-6-1; IC 4-2; IC 4-3-6-2; IC 5-8-3.5-1; IC 5-14-3-3.5; IC 5-24-1-2; IC 8-1-1; IC 8-1-1.5.

Synopsis: Utility regulatory commission membership. Provides for the election of the members of the Indiana utility regulatory commission beginning with the 2012 general election. Makes technical changes. Repeals the statute establishing the utility regulatory commission nominating committee.

Effective: July 1, 2011; January 1, 2013.

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January 18, 2011, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1352



A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

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

- 1 SECTION 1. IC 2-5-1.5-5, AS AMENDED BY P.L.127-2008,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 5. As used in this chapter, "public officer" refers
- 4 to any of the following:
- 5 (1) The governor.
- 6 (2) The lieutenant governor.
- 7 (3) The secretary of state.
- 8 (4) The auditor of state.
- 9 (5) The treasurer of state.
- 10 (6) The attorney general.
- 11 (7) The state superintendent of public instruction.
- 12 **(8) Beginning January 1, 2013, the chair of the Indiana utility**
- 13 **regulatory commission.**
- 14 **(9) Beginning January 1, 2013, a member of the Indiana**
- 15 **utility regulatory commission other than the chair.**
- 16 ~~(10)~~ **(10)** A justice of the supreme court of Indiana.
- 17 ~~(11)~~ **(11)** A judge of the court of appeals of Indiana.



- 1 ~~(10)~~ **(12)** A judge of the Indiana tax court.
- 2 ~~(11)~~ **(13)** A judge of a circuit, superior, probate, or county court.
- 3 ~~(12)~~ **(14)** A member of the general assembly.
- 4 SECTION 2. IC 3-5-2-48 IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2011]: Sec. 48. "State office" refers to **the**
- 6 **following offices:**
- 7 **(1) The** governor.
- 8 **(2) The** lieutenant governor.
- 9 **(3) The** secretary of state.
- 10 **(4) The** auditor of state.
- 11 **(5) The** treasurer of state.
- 12 **(6) The** superintendent of public instruction.
- 13 **(7) The** attorney general.
- 14 **(8) A** justice of the supreme court.
- 15 **(9) A** judge of the court of appeals. ~~and~~
- 16 **(10) A** judge of the tax court.
- 17 **(11) The chair of the Indiana utility regulatory commission.**
- 18 **(12) A member of the Indiana utility regulatory commission**
- 19 **other than the chair.**

20 SECTION 3. IC 3-8-1-10.7 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2011]: **Sec. 10.7. A candidate for the office of the chair of the**
 23 **Indiana utility regulatory commission must satisfy the following:**
 24 **(1) The candidate must have resided in Indiana for at least**
 25 **two (2) years before the election.**
 26 **(2) The candidate must have been admitted to the practice of**
 27 **law in Indiana for at least five (5) years before the election.**
 28 **(3) The candidate must satisfy IC 8-1-1-2(i) before the**
 29 **election.**

30 SECTION 4. IC 3-8-1-10.9 IS ADDED TO THE INDIANA CODE
 31 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2011]: **Sec. 10.9. A candidate for the office of member of the**
 33 **Indiana utility regulatory commission other than the chair must**
 34 **satisfy the following:**
 35 **(1) The candidate must have resided in Indiana for at least**
 36 **two (2) years before the election.**
 37 **(2) The candidate must satisfy IC 8-1-1-2(i) before the**
 38 **election.**

39 SECTION 5. IC 3-8-1-33, AS AMENDED BY P.L.2-2005,
 40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2011]: Sec. 33. (a) A candidate for an office listed in
 42 subsection (b) must file a statement of economic interests.

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1 (b) Whenever a candidate for any of the following offices is also
2 required to file a declaration of candidacy or is nominated by petition,
3 the candidate shall file a statement of economic interests before filing
4 the declaration of candidacy or declaration of intent to be a write-in
5 candidate, before the petition of nomination is filed, before the
6 certificate of nomination is filed, or before being appointed to fill a
7 candidate vacancy under IC 3-13-1 or IC 3-13-2:

8 (1) Governor, lieutenant governor, secretary of state, auditor of
9 state, treasurer of state, attorney general, **chair of the Indiana**
10 **utility regulatory commission, member of the Indiana utility**
11 **regulatory commission (other than the chair of the Indiana**
12 **utility regulatory commission),** and state superintendent of
13 public instruction, in accordance with IC 4-2-6-8.

14 (2) Senator and representative in the general assembly, in
15 accordance with IC 2-2.1-3-2.

16 (3) Justice of the supreme court, judge of the court of appeals,
17 judge of the tax court, judge of a circuit court, judge of a superior
18 court, judge of a county court, judge of a probate court, and
19 prosecuting attorney, in accordance with IC 33-23-11-14 and
20 IC 33-23-11-15.

21 SECTION 6. IC 3-10-1-4 IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2011]: Sec. 4. (a) At a primary election each
23 political party subject to section 2 of this chapter shall nominate its
24 candidates for the following offices to be voted for at the general
25 election:

- 26 (1) United States Senator.
- 27 (2) Governor.
- 28 (3) United States Representative.
- 29 (4) Legislative offices.
- 30 **(5) The chair of the Indiana utility regulatory commission.**
- 31 **(6) The members of the Indiana utility regulatory commission**
- 32 **other than the chair.**
- 33 ~~(7)~~ (7) Local offices.

34 (b) In addition, each political party subject to section 2 of this
35 chapter shall:

- 36 (1) vote on candidates for nomination as President of the United
37 States;
- 38 (2) elect delegates from each county to the party's state
39 convention; and
- 40 (3) elect a precinct committeeman for each precinct in the county
41 if precinct committeemen are to be elected under section 4.5 of
42 this chapter.

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1 SECTION 7. IC 3-10-2-6, AS AMENDED BY P.L.230-2005,
 2 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2011]: Sec. 6. The following public officials shall be elected
 4 in ~~2008~~ **2012** and every four (4) years thereafter:

- 5 (1) Governor.
 6 (2) Lieutenant governor.
 7 (3) Attorney general.
 8 (4) Superintendent of public instruction.
 9 **(5) Two (2) members of the Indiana utility regulatory**
 10 **commission other than the chair.**

11 SECTION 8. IC 3-10-2-7, AS AMENDED BY P.L.230-2005,
 12 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2011]: Sec. 7. The following public officials shall be elected
 14 in ~~2006~~ **2014** and every four (4) years thereafter:

- 15 (1) Secretary of state.
 16 (2) Auditor of state.
 17 (3) Treasurer of state.
 18 **(4) The chair of the Indiana utility regulatory commission.**
 19 **(5) Two (2) members of the Indiana utility regulatory**
 20 **commission other than the chair.**

21 SECTION 9. IC 3-10-2-7.3 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2011]: **Sec. 7.3. (a) Notwithstanding sections 6 and 7 of this**
 24 **chapter, the following public officials shall be elected at the 2012**
 25 **general election:**

- 26 **(1) The chair of the Indiana utility regulatory commission.**
 27 **(2) The four (4) members of the Indiana utility regulatory**
 28 **commission other than the chair.**
 29 **(b) This section expires January 1, 2014.**

30 SECTION 10. IC 3-11-2-12, AS AMENDED BY P.L.146-2008,
 31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2011]: Sec. 12. The following offices shall be placed on the
 33 general election ballot in the following order:

- 34 (1) Federal and state offices:
 35 (A) President and Vice President of the United States.
 36 (B) United States Senator.
 37 (C) Governor and lieutenant governor.
 38 (D) Secretary of state.
 39 (E) Auditor of state.
 40 (F) Treasurer of state.
 41 (G) Attorney general.
 42 (H) Superintendent of public instruction.

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- 1 **(I) Chair of the Indiana utility regulatory commission.**
 2 **(J) Member of the Indiana utility regulatory commission**
 3 **other than the chair.**
 4 ~~(K)~~ **(K) United States Representative.**
 5 (2) Legislative offices:
 6 (A) State senator.
 7 (B) State representative.
 8 (3) Circuit offices and county judicial offices:
 9 (A) Judge of the circuit court, and unless otherwise specified
 10 under IC 33, with each division separate if there is more than
 11 one (1) judge of the circuit court.
 12 (B) Judge of the superior court, and unless otherwise specified
 13 under IC 33, with each division separate if there is more than
 14 one (1) judge of the superior court.
 15 (C) Judge of the probate court.
 16 (D) Judge of the county court, with each division separate, as
 17 required by IC 33-30-3-3.
 18 (E) Prosecuting attorney.
 19 (F) Clerk of the circuit court.
 20 (4) County offices:
 21 (A) County auditor.
 22 (B) County recorder.
 23 (C) County treasurer.
 24 (D) County sheriff.
 25 (E) County coroner.
 26 (F) County surveyor.
 27 (G) County assessor.
 28 (H) County commissioner.
 29 (I) County council member.
 30 (5) Township offices:
 31 (A) Township assessor (only in a township referred to in
 32 IC 36-6-5-1(d)).
 33 (B) Township trustee.
 34 (C) Township board member.
 35 (D) Judge of the small claims court.
 36 (E) Constable of the small claims court.
 37 (6) City offices:
 38 (A) Mayor.
 39 (B) Clerk or clerk-treasurer.
 40 (C) Judge of the city court.
 41 (D) City-county council member or common council member.
 42 (7) Town offices:

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- 1 (A) Clerk-treasurer.
- 2 (B) Judge of the town court.
- 3 (C) Town council member.

4 SECTION 11. IC 4-1-6-1, AS AMENDED BY P.L.2-2007,
 5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2011]: Sec. 1. ~~As used in~~ **The following definitions apply**
 7 **throughout** this chapter: ~~the term:~~

8 ~~(a)~~ **(1)** "Personal information system" means any recordkeeping
 9 process, whether automated or manual, containing personal
 10 information and the name, personal number, or other identifying
 11 particulars of a data subject.

12 ~~(b)~~ **(2)** "Personal information" means any information that
 13 describes, locates, or indexes anything about an individual or that
 14 affords a basis for inferring personal characteristics about an
 15 individual including, but not limited to, ~~his~~ **the individual's**
 16 education, financial transactions, medical history, criminal or
 17 employment records, finger and voice prints, photographs, or ~~his~~
 18 **the individual's** presence, registration, or membership in a
 19 organization or activity or admission to an institution.

20 ~~(c)~~ **(3)** "Data subject" means an individual about whom personal
 21 information is indexed or may be located under ~~his~~ **the**
 22 **individual's** name, personal number, or other identifiable
 23 particulars, in a personal information system.

24 ~~(d)~~ **(4)** "State agency" means every agency, board, commission,
 25 department, bureau, or other entity of the administrative branch
 26 of Indiana state government, except those which are the
 27 responsibility of **any of the following:**

- 28 (A) The auditor of state.
- 29 (B) **The** treasurer of state.
- 30 (C) **The** secretary of state.
- 31 (D) **The** attorney general.
- 32 (E) **The** superintendent of public instruction. ~~and excepting~~
- 33 (F) **Beginning January 1, 2013, the Indiana utility**
 34 **regulatory commission.**
- 35 (G) ~~The department of state police and department.~~
- 36 (H) **The** state educational institutions.

37 ~~(e)~~ **(5)** "Confidential" means information which has been so
 38 designated by statute or by promulgated rule or regulation based
 39 on statutory authority.

40 SECTION 12. IC 4-2-1-1.5, AS ADDED BY P.L.43-2007,
 41 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2011]: Sec. 1.5. (a) Subject to subsection (b), the salary of the

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1 state elected officials other than the governor is as follows:

2 (1) For the lieutenant governor, seventy-six thousand dollars
3 (\$76,000) per year. However, the lieutenant governor is not
4 entitled to receive per diem allowance for performance of duties
5 as president of the senate.

6 (2) For the secretary of state, sixty-six thousand dollars (\$66,000)
7 per year.

8 (3) For the auditor of state, sixty-six thousand dollars (\$66,000)
9 per year.

10 (4) For the treasurer of state, sixty-six thousand dollars (\$66,000)
11 per year.

12 (5) For the attorney general, seventy-nine thousand four hundred
13 dollars (\$79,400) per year.

14 (6) For the state superintendent of public instruction, seventy-nine
15 thousand four hundred dollars (\$79,400) per year.

16 **(7) Beginning January 1, 2013, for the chair of the Indiana**
17 **utility regulatory commission, one hundred seven thousand**
18 **five hundred dollars (\$107,500).**

19 **(8) Beginning January 1, 2013, for a member of the Indiana**
20 **utility regulatory commission other than the chair, one**
21 **hundred five thousand dollars (\$105,000).**

22 (b) Beginning January 1, 2008, the part of the total salary of a state
23 elected official is increased on January 1 of each year after a year in
24 which the general assembly does not amend this section to provide a
25 salary increase for the state elected official. **Beginning January 1,**
26 **2013, the part of the total salary of a member of the Indiana utility**
27 **regulatory commission is increased as provided in this section for**
28 **other state elected officials.**

29 (c) The percentage by which salaries are increased under this
30 section is equal to the statewide average percentage, as determined by
31 the budget director, by which the salaries of state employees in the
32 executive branch who are in the same or a similar salary bracket
33 exceed, for the current state fiscal year, the salaries of executive branch
34 state employees in the same or a similar salary bracket that were in
35 effect on January 1 of the immediately preceding year.

36 (d) The amount of a salary increase under this section is equal to the
37 amount determined by applying the percentage increase for the
38 particular year to the salary of the state elected official, as previously
39 adjusted under this section, that is in effect on January 1 of the
40 immediately preceding year.

41 (e) A state elected official is not entitled to receive a salary increase
42 under this section on January 1 of a state fiscal year in which state

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1 employees described in subsection (c) do not receive a statewide
2 average salary increase.

3 (f) If a salary increase is required under this section, an amount
4 sufficient to pay for the salary increase is appropriated from the state
5 general fund.

6 SECTION 13. IC 4-2-6-1, AS AMENDED BY P.L.2-2007,
7 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2011]: Sec. 1. (a) As used in this chapter, and unless the
9 context clearly denotes otherwise:

10 (1) "Advisory body" means an authority, a board, a commission,
11 a committee, a task force, or other body designated by any name
12 of the executive department that is authorized only to make
13 nonbinding recommendations.

14 (2) "Agency" means an authority, a board, a branch, a bureau, a
15 commission, a committee, a council, a department, a division, an
16 office, a service, or other instrumentality of the executive,
17 including the administrative, department of state government. The
18 term includes a body corporate and politic set up as an
19 instrumentality of the state and a private, nonprofit, government
20 related corporation. The term does not include any of the
21 following:

- 22 (A) The judicial department of state government.
- 23 (B) The legislative department of state government.
- 24 (C) A state educational institution.
- 25 (D) A political subdivision.

26 (3) "Appointing authority" means the chief administrative officer
27 of an agency. The term does not include a state officer.

28 (4) "Assist" means to:

- 29 (A) help;
- 30 (B) aid;
- 31 (C) advise; or
- 32 (D) furnish information to;

33 a person. The term includes an offer to do any of the actions in
34 clauses (A) through (D).

35 (5) "Business relationship" includes the following:

- 36 (A) Dealings of a person with an agency seeking, obtaining,
37 establishing, maintaining, or implementing:
 - 38 (i) a pecuniary interest in a contract or purchase with the
39 agency; or
 - 40 (ii) a license or permit requiring the exercise of judgment or
41 discretion by the agency.
- 42 (B) The relationship a lobbyist has with an agency.

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- 1 (C) The relationship an unregistered lobbyist has with an
2 agency.
- 3 (6) "Commission" refers to the state ethics commission created
4 under section 2 of this chapter.
- 5 (7) "Compensation" means any money, thing of value, or financial
6 benefit conferred on, or received by, any person in return for
7 services rendered, or for services to be rendered, whether by that
8 person or another.
- 9 (8) "Employee" means an individual, other than a state officer,
10 who is employed by an agency on a full-time, a part-time, a
11 temporary, an intermittent, or an hourly basis. The term includes
12 an individual who contracts with an agency for personal services.
- 13 (9) "Employer" means any person from whom a state officer or
14 employee or the officer's or employee's spouse received
15 compensation. For purposes of this chapter, a customer or client
16 of a self-employed individual in a sole proprietorship or a
17 professional practice is not considered to be an employer.
- 18 (10) "Financial interest" means an interest:
19 (A) in a purchase, sale, lease, contract, option, or other
20 transaction between an agency and any person; or
21 (B) involving property or services.
22 The term includes an interest arising from employment or
23 prospective employment for which negotiations have begun. The
24 term does not include an interest of a state officer or employee in
25 the common stock of a corporation unless the combined holdings
26 in the corporation of the state officer or the employee, that
27 individual's spouse, and that individual's unemancipated children
28 are more than one percent (1%) of the outstanding shares of the
29 common stock of the corporation. The term does not include an
30 interest that is not greater than the interest of the general public
31 or any state officer or any state employee.
- 32 (11) "Information of a confidential nature" means information:
33 (A) obtained by reason of the position or office held; and
34 (B) which:
35 (i) a public agency is prohibited from disclosing under
36 IC 5-14-3-4(a);
37 (ii) a public agency has the discretion not to disclose under
38 IC 5-14-3-4(b) and that the agency has not disclosed; or
39 (iii) is not in a public record, but if it were, would be
40 confidential.
- 41 (12) "Person" means any individual, proprietorship, partnership,
42 unincorporated association, trust, business trust, group, limited

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- 1 liability company, or corporation, whether or not operated for
- 2 profit, or a governmental agency or political subdivision.
- 3 (13) "Political subdivision" means a county, city, town, township,
- 4 school district, municipal corporation, special taxing district, or
- 5 other local instrumentality. The term includes an officer of a
- 6 political subdivision.
- 7 (14) "Property" has the meaning set forth in IC 35-41-1-23.
- 8 (15) "Represent" means to do any of the following on behalf of a
- 9 person:
- 10 (A) Attend an agency proceeding.
- 11 (B) Write a letter.
- 12 (C) Communicate with an employee of an agency.
- 13 (16) "Special state appointee" means a person who is:
- 14 (A) not a state officer or employee; and
- 15 (B) elected or appointed to an authority, a board, a
- 16 commission, a committee, a council, a task force, or other
- 17 body designated by any name that:
- 18 (i) is authorized by statute or executive order; and
- 19 (ii) functions in a policy or an advisory role in the executive
- 20 (including the administrative) department of state
- 21 government, including a separate body corporate and politic.
- 22 (17) "State officer" means any of the following:
- 23 (A) The governor.
- 24 (B) The lieutenant governor.
- 25 (C) The secretary of state.
- 26 (D) The auditor of state.
- 27 (E) The treasurer of state.
- 28 (F) The attorney general.
- 29 (G) The superintendent of public instruction.
- 30 **(H) Beginning January 1, 2013, the chair of the Indiana**
- 31 **utility regulatory commission.**
- 32 **(I) Beginning January 1, 2013, a member of the Indiana**
- 33 **utility regulatory commission other than the chair.**
- 34 (18) The masculine gender includes the masculine and feminine.
- 35 (19) The singular form of any noun includes the plural wherever
- 36 appropriate.
- 37 (b) The definitions in IC 4-2-7 apply throughout this chapter.
- 38 SECTION 14. IC 4-2-6-8, AS AMENDED BY P.L.89-2006,
- 39 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2011]: Sec. 8. (a) The following persons shall file a written
- 41 financial disclosure statement:
- 42 (1) **The following:**

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- 1 (A) The governor.
- 2 (B) **The** lieutenant governor.
- 3 (C) **The** secretary of state.
- 4 (D) **The** auditor of state.
- 5 (E) **The** treasurer of state.
- 6 (F) **The** attorney general. ~~and~~
- 7 (G) **The** state superintendent of public instruction.
- 8 (H) **Beginning January 1, 2013, the chair of the Indiana**
- 9 **utility regulatory commission.**
- 10 (I) **Beginning January 1, 2013, a member of the Indiana**
- 11 **utility regulatory commission other than the chair.**
- 12 (2) Any candidate for one (1) of the offices in subdivision (1) who
- 13 is not the holder of one (1) of those offices.
- 14 (3) Any person who is the appointing authority of an agency.
- 15 (4) The director of each division of the department of
- 16 administration.
- 17 (5) Any purchasing agent within the procurement division of the
- 18 department of administration.
- 19 (6) Any agency employee, special state appointee, former agency
- 20 employee, or former special state appointee with final purchasing
- 21 authority.
- 22 (7) An employee required to do so by rule adopted by the
- 23 inspector general.
- 24 (b) The statement shall be filed with the inspector general as
- 25 follows:
- 26 (1) Not later than February 1 of every year, in the case of the state
- 27 officers and employees enumerated in subsection (a).
- 28 (2) If the individual has not previously filed under subdivision (1)
- 29 during the present calendar year and is filing as a candidate for a
- 30 state office listed in subsection (a)(1), before filing a declaration
- 31 of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of
- 32 nomination under IC 3-8-6, or declaration of intent to be a
- 33 write-in candidate under IC 3-8-2-2.5, or before a certificate of
- 34 nomination is filed under IC 3-8-7-8, in the case of a candidate for
- 35 one (1) of the state offices (unless the statement has already been
- 36 filed when required under IC 3-8-4-11).
- 37 (3) Not later than sixty (60) days after employment or taking
- 38 office, unless the previous employment or office required the
- 39 filing of a statement under this section.
- 40 (4) Not later than thirty (30) days after leaving employment or
- 41 office, unless the subsequent employment or office requires the
- 42 filing of a statement under this section.

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1 The statement must be made under affirmation.
 2 (c) The statement shall set forth the following information for the
 3 preceding calendar year or, in the case of a state officer or employee
 4 who leaves office or employment, the period since a previous statement
 5 was filed:
 6 (1) The name and address of any person known:
 7 (A) to have a business relationship with the agency of the state
 8 officer or employee or the office sought by the candidate; and
 9 (B) from whom the state officer, candidate, or the employee,
 10 or that individual's spouse or unemancipated children received
 11 a gift or gifts having a total fair market value in excess of one
 12 hundred dollars (\$100).
 13 (2) The location of all real property in which the state officer,
 14 candidate, or the employee or that individual's spouse or
 15 unemancipated children has an equitable or legal interest either
 16 amounting to five thousand dollars (\$5,000) or more or
 17 comprising ten percent (10%) of the state officer's, candidate's, or
 18 the employee's net worth or the net worth of that individual's
 19 spouse or unemancipated children. An individual's primary
 20 personal residence need not be listed, unless it also serves as
 21 income property.
 22 (3) The names and the nature of the business of the employers of
 23 the state officer, candidate, or the employee and that individual's
 24 spouse.
 25 (4) The following information about any sole proprietorship
 26 owned or professional practice operated by the state officer,
 27 candidate, or the employee or that individual's spouse:
 28 (A) The name of the sole proprietorship or professional
 29 practice.
 30 (B) The nature of the business.
 31 (C) Whether any clients are known to have had a business
 32 relationship with the agency of the state officer or employee or
 33 the office sought by the candidate.
 34 (D) The name of any client or customer from whom the state
 35 officer, candidate, employee, or that individual's spouse
 36 received more than thirty-three percent (33%) of the state
 37 officer's, candidate's, employee's, or that individual's spouse's
 38 nonstate income in a year.
 39 (5) The name of any partnership of which the state officer,
 40 candidate, or the employee or that individual's spouse is a member
 41 and the nature of the partnership's business.
 42 (6) The name of any corporation (other than a church) of which

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1 the state officer, candidate, or the employee or that individual's
 2 spouse is an officer or a director and the nature of the
 3 corporation's business.

4 (7) The name of any corporation in which the state officer,
 5 candidate, or the employee or that individual's spouse or
 6 unemancipated children own stock or stock options having a fair
 7 market value in excess of ten thousand dollars (\$10,000).
 8 However, if the stock is held in a blind trust, the name of the
 9 administrator of the trust must be disclosed on the statement
 10 instead of the name of the corporation. A time or demand deposit
 11 in a financial institution or insurance policy need not be listed.

12 (8) The name and address of the most recent former employer.

13 (9) Additional information that the person making the disclosure
 14 chooses to include.

15 Any such state officer, candidate, or employee may file an amended
 16 statement upon discovery of additional information required to be
 17 reported.

18 (d) A person who:

19 (1) fails to file a statement required by rule or this section in a
 20 timely manner; or

21 (2) files a deficient statement;

22 upon a majority vote of the commission, is subject to a civil penalty at
 23 a rate of not more than ten dollars (\$10) for each day the statement
 24 remains delinquent or deficient. The maximum penalty under this
 25 subsection is one thousand dollars (\$1,000).

26 (e) A person who intentionally or knowingly files a false statement
 27 commits a Class A infraction.

28 SECTION 15. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2011]: Sec. 2. ~~As used in~~ **The following**
 30 **definitions apply throughout** this chapter:

31 (1) "Agency" means any executive or administrative department,
 32 commission, council, board, bureau, division, service, office,
 33 officer, administration, or other establishment in the executive or
 34 administrative branch of the state government not provided for by
 35 the constitution. ~~The term~~ "Agency" does not include the
 36 **following:**

37 (A) ~~The~~ secretary of state.

38 (B) The auditor of state.

39 (C) The treasurer of state.

40 (D) The lieutenant governor.

41 (E) The state superintendent of public instruction. ~~and~~

42 (F) The attorney general. ~~nor~~

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(G) Beginning January 1, 2013, the Indiana utility regulatory commission.

(H) The departments of which they any of the officers listed in clauses (A) through (F) are, by the statutes first adopted setting out their duties, the administrative heads.

- (2) "Reorganization" means:
 - (A) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;
 - (B) the abolition of all or any part of the functions of any agency;
 - (C) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;
 - (D) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof;
 - (E) the authorization of any officer to delegate any of his the **officer's** functions; or
 - (F) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions.

SECTION 16. IC 5-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) An officer who wants to resign shall give written notice of the officer's resignation as follows:

- (1) The governor and lieutenant governor shall notify the principal clerk of the house of representatives and the principal secretary of the senate to act in accordance with Article 5, Section 10 of the Constitution of the State of Indiana. The clerk and the secretary shall file a copy of the notice with the office of the secretary of state.
- (2) A member of the general assembly shall notify the following, whichever applies:
 - (A) A member of the senate shall notify the president pro tempore of the senate.
 - (B) A member of the house of representatives shall notify the speaker of the house of representatives.
- (3) The following officers ~~commissioned by the governor under IC 4-3-1-5~~ shall notify the governor:
 - (A) An elector or alternate elector for President and Vice

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- 1 President of the United States.
- 2 (B) The **following officers:**
- 3 (i) **The** secretary of state.
- 4 (ii) **The** auditor of state.
- 5 (iii) **The** treasurer of state.
- 6 (iv) **The** superintendent of public instruction. ~~or~~
- 7 (v) **The** attorney general.
- 8 (vi) **Beginning January 1, 2013, the chair of the Indiana**
- 9 **utility regulatory commission.**
- 10 (vii) **Beginning January 1, 2013, a member of the Indiana**
- 11 **utility regulatory commission other than the chair.**
- 12 (C) An officer elected by the general assembly, the senate, or
- 13 the house of representatives.
- 14 (D) A justice of the Indiana supreme court, judge of the
- 15 Indiana court of appeals, or judge of the Indiana tax court.
- 16 (E) A judge of a circuit, city, county, probate, superior, town,
- 17 or township small claims court.
- 18 (F) A prosecuting attorney.
- 19 (G) A circuit court clerk.
- 20 (H) A county auditor, county recorder, county treasurer,
- 21 county sheriff, county coroner, or county surveyor.
- 22 (4) An officer of a political subdivision (as defined by
- 23 IC 36-1-2-13) other than an officer listed in subdivision (3) shall
- 24 notify the circuit court clerk of the county containing the largest
- 25 percentage of population of the political subdivision.
- 26 (5) An officer not listed in subdivisions (1) through (4) shall
- 27 notify the person or entity from whom the officer received the
- 28 officer's appointment.
- 29 (b) A person or an entity that receives notice of a resignation and
- 30 does not have the power to fill the vacancy created by the resignation
- 31 shall, not later than seventy-two (72) hours after receipt of the notice
- 32 of resignation, give notice of the vacancy to the person or entity that
- 33 has the power to:
- 34 (1) fill the vacancy; or
- 35 (2) call a caucus for the purpose of filling the vacancy.
- 36 SECTION 17. IC 5-14-3-3.5, AS AMENDED BY P.L.177-2005,
- 37 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 38 JULY 1, 2011]: Sec. 3.5. (a) As used in this section, "state agency" has
- 39 the meaning set forth in IC 4-13-1-1. The term does not include ~~the~~
- 40 ~~office of the following: elected state officials:~~
- 41 (1) **The office of the** secretary of state.
- 42 (2) **The office of the** auditor of state.

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- 1 (3) **The office of the** treasurer of state.
- 2 (4) **The office of the** attorney general.
- 3 (5) **The office of the** superintendent of public instruction.
- 4 (6) **Beginning January 1, 2013, the Indiana utility regulatory**
- 5 **commission.**

6 However, each state office described in subdivisions (1) through ~~(5)~~ (6)
 7 and the judicial department of state government may use the computer
 8 gateway administered by the office of technology established by
 9 IC 4-13.1-2-1, subject to the requirements of this section.

10 (b) As an additional means of inspecting and copying public
 11 records, a state agency may provide enhanced access to public records
 12 maintained by the state agency.

13 (c) If the state agency has entered into a contract with a third party
 14 under which the state agency provides enhanced access to the person
 15 through the third party's computer gateway or otherwise, all of the
 16 following apply to the contract:

17 (1) The contract between the state agency and the third party must
 18 provide for the protection of public records in accordance with
 19 subsection (d).

20 (2) The contract between the state agency and the third party may
 21 provide for the payment of a reasonable fee to the state agency by
 22 either:

- 23 (A) the third party; or
- 24 (B) the person.

25 (d) A contract required by this section must provide that the person
 26 and the third party will not engage in the following:

- 27 (1) Unauthorized enhanced access to public records.
- 28 (2) Unauthorized alteration of public records.
- 29 (3) Disclosure of confidential public records.

30 (e) A state agency shall provide enhanced access to public records
 31 only through the computer gateway administered by the office of
 32 technology.

33 SECTION 18. IC 5-24-1-2, AS AMENDED BY P.L.2-2007,
 34 SECTION 107, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2011]: Sec. 2. Unless the supervising body of
 36 the branch, institution, or office elects to have this article apply and
 37 records the election with the state board of accounts, this article does
 38 not apply to the following:

- 39 (1) The judicial branch.
- 40 (2) The legislative branch.
- 41 (3) A state educational institution.
- 42 (4) The offices of the **following**:

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- 1 (A) **The** secretary of state.
 2 (B) **The** auditor of state.
 3 (C) **The** treasurer of state.
 4 (D) **The** attorney general.
 5 (E) **The** superintendent of public instruction. ~~and~~
 6 (F) The clerk of the supreme court.

7 **(5) Beginning January 1, 2013, the Indiana utility regulatory**
 8 **commission.**

9 SECTION 19. IC 8-1-1-2 IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) ~~There is created~~ The Indiana
 11 utility regulatory commission ~~which shall consist~~ **is created. The**
 12 **commission consists** of five (5) members.

13 (b) At least one (1) ~~of whom shall~~ **commission member must be**
 14 an attorney qualified to practice law before the supreme court of
 15 Indiana. ~~and~~ Not more than three (3) ~~of whom~~ **commission members**
 16 **may** belong to the same political party. **This subsection expires**
 17 **January 1, 2013.**

18 ~~(b)~~ (c) The members of the commission and all vacancies occurring
 19 ~~therein on the commission~~ shall be appointed by the governor from
 20 among persons nominated by the nominating committee in accordance
 21 with the provisions of IC 8-1-1.5. **This subsection expires January 1,**
 22 **2013.**

23 ~~(c)~~ (d) The members may be removed at any time by the governor
 24 for cause. **This subsection expires January 1, 2013.**

25 ~~(d)~~ (e) The governor shall appoint one (1) member as ~~chairman:~~ **the**
 26 **commission's chair. This subsection expires January 1, 2013.**

27 ~~(e)~~ (f) ~~The commission's chair and its members of the commission~~
 28 shall be appointed for ~~serve~~ a term of four (4) years, except when a
 29 member **an individual** is appointed to fill a vacancy, in which case
 30 such appointment shall be for ~~such~~ **the individual serves only for the**
 31 **remainder of the** unexpired term. ~~only.~~ **The commission's chair and**
 32 all **commission** members of said commission shall serve as such until
 33 their successors are duly appointed **or elected** and qualified. ~~and while~~
 34 so serving

35 **(g) Beginning November 6, 2012, the commission's chair and**
 36 **members shall be elected as provided in IC 3.**

37 **(h) The commission's chair and members:**

38 (1) shall devote full time to the **commission's** duties; ~~of the~~
 39 **commission and shall and**

40 (2) shall not be actively ~~engaged~~ **engage** in any other occupation,
 41 profession, or business that constitutes a conflict of interest or
 42 otherwise interferes with carrying out their **commission** duties. ~~as~~

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~~commissioners.~~

~~(f)~~ (i) **The commission's chair, a commission member, of the commission or any person appointed to any position or employed in any capacity to serve the commission, may not have any official or professional relationship or connection with, or hold any stock or securities or have any pecuniary interest in any public utility operating in Indiana.**

~~(g)~~ (j) **The commission's chair and each other commission member appointed to the Indiana utility regulatory commission shall take and subscribe to an oath in writing that he the individual will faithfully perform the duties of his the individual's office, and support and defend to the best of his the individual's ability the Constitution and laws of the state of Indiana and of the United States of America. and such The oath shall be filed with the secretary of state.**

~~(h)~~ (k) **The chairman of the commission commission's chair shall assign cases to the various commission members of the commission or to administrative law judges for hearings.**

SECTION 20. IC 8-1-1-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2.3. (a) Notwithstanding section 2 of this chapter, the following apply to the terms of the commission's chair and the commission members:

(1) The term of the individual elected as the commission's chair at the 2012 general election expires January 1, 2015. The successor of the individual described in this subdivision shall be elected at the 2014 general election and serve a term of four (4) years, beginning January 1, 2015.

(2) The term of each of the two (2) individuals who:
(A) are elected as commission members at the 2012 general election; and
(B) receive the least number of votes of the individuals elected as commission members at the 2012 general election;
expires January 1, 2015. The successors of these commission members shall be elected at the 2014 general election and serve a term of four (4) years, beginning January 1, 2015.

(3) The term of each of the individuals who:
(A) are elected as commission members at the 2012 general election; and
(B) are not described in subdivision (2);
expires January 1, 2017. The successors of these commission members shall be elected at the 2016 general election and

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1 **serve a term of four (4) years, beginning January 1, 2017.**

2 **(b) This section expires January 1, 2022.**

3 SECTION 21. IC 8-1-1-3 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) The members of the
5 commission shall meet and organize the commission. The commission
6 may ~~subject to the approval of the governor~~, appoint a secretary of the
7 commission. **Before January 1, 2013, the appointment of a**
8 **secretary of the commission is subject to the approval of the**
9 **governor.**

10 (b) The salaries of the members and secretary of the commission
11 shall be fixed by the governor, subject to the approval of the budget
12 agency; however, the salaries of the chairman and the members shall
13 not be less than the following annual minimum amounts:

14 (1) For the chairman, sixty-five thousand dollars (\$65,000).

15 (2) For the members, sixty thousand dollars (\$60,000) each.

16 **This subsection expires January 1, 2013.**

17 (c) The commission may appoint one (1) or more administrative law
18 judges who shall be responsible to and serve at the will and pleasure of
19 the commission. While serving, the administrative law judges shall
20 devote full time to the duties of the commission and shall not be
21 actively engaged in any other occupation, profession, or business that
22 constitutes a conflict of interest or otherwise interferes with carrying
23 out their duties as administrative law judges. The salary of each
24 administrative law judge shall be fixed by the commission ~~subject to~~
25 ~~the approval of the budget agency~~ but may not be less than the
26 following annual amounts:

27 (1) For the chief administrative law judge, forty-five thousand
28 dollars (\$45,000).

29 (2) For all other administrative law judges, forty thousand dollars
30 (\$40,000).

31 **Before January 1, 2013, the salaries of the administrative law**
32 **judges are subject to the approval of the budget agency.**

33 (d) A majority of the commission members ~~shall~~ constitute a
34 quorum.

35 (e) On order of the commission any one (1) member of the
36 commission, or an administrative law judge, may conduct a hearing or
37 investigation, ~~and take evidence therein~~, **at the hearing or**
38 **investigation**, and report the ~~same evidence~~ to the commission for its
39 consideration and action, However, a hearing concerning a request for
40 a general increase in the basic rates and charges of a utility in an
41 amount exceeding twenty million dollars (\$20,000,000) may only be
42 conducted by one (1) or more commission members.

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1 (f) **The commission's chair and** each member of the commission
 2 shall give bond in the sum of ten thousand dollars (\$10,000) for the
 3 faithful performance of ~~his~~ **the individual's** duties. ~~Such~~ **The** bond
 4 shall be filed with the secretary of state.

5 (g) The commission shall formulate rules necessary or appropriate
 6 to ~~carry out the provisions of~~ **implement** this chapter, and ~~staff~~
 7 perform the duties imposed by law upon ~~them~~: **the commission**.

8 (h) The commission may:

9 (1) employ ~~with the approval of the governor and the state budget~~
 10 ~~agency~~, sufficient professional staff, including but not limited to
 11 specialists, technicians, and analysts, who are exempt from the
 12 job classifications and compensation schedules established under
 13 IC 4-15; and

14 (2) purchase, lease, or otherwise acquire for its internal use
 15 sufficient technical equipment necessary for the commission to
 16 carry out its statutory duties.

17 **Before January 1, 2013, the commission's actions under this**
 18 **subsection are subject to the approval of the governor and the**
 19 **budget agency.**

20 SECTION 22. IC 8-1-1-11 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. The commission ~~is~~
 22 ~~authorized to~~ **may** employ ~~such~~ counsel, ~~or~~ attorneys, engineers,
 23 administrative law judges, experts, clerks, accountants, and other
 24 assistants ~~as it may deem~~ **the commission considers** necessary, at such
 25 rates of compensation as ~~it~~ **the commission** may ~~determine upon~~
 26 ~~subject, however, to the approval of the governor.~~ **determines. Before**
 27 **January 1, 2013, the commission's actions under this section are**
 28 **subject to the approval of the governor.**

29 SECTION 23. IC 8-1-1-14 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) The ~~chairman~~
 31 ~~of the commission~~ **commission's chair** shall prepare an annual report
 32 and file it with the governor and the chairman of the legislative council
 33 before October 1 of each year. A report filed under this subsection with
 34 the chairman of the legislative council must be in an electronic format
 35 under IC 5-14-6. The ~~chairman~~ **commission's chair** shall include in the
 36 report information for the fiscal year ending June 30 of the year in
 37 which the report is due.

38 (b) The annual report required under subsection (a) must include the
 39 following:

40 (1) A statement of the commission's revenues by source and
 41 expenditures by purpose.

42 (2) Statistics relevant to the workload and operations of the

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1 commission.

2 (3) A description of the commission's goals, legal responsibilities,

3 and accomplishments.

4 (4) Comments on the state of the commission and the various

5 kinds of utilities that it regulates.

6 (5) Suggestions for new legislation and the rationale for any

7 proposals.

8 (6) Any other matters that the ~~chairman~~ **commission's chair**

9 wishes to bring to the attention of the governor and the general

10 assembly.

11 (7) Any comments or proposals that any member of the

12 commission gives to the ~~chairman~~ **commission's chair** for

13 inclusion in the annual report.

14 SECTION 24. IC 8-1-1.5 IS REPEALED [EFFECTIVE JANUARY

15 1, 2013].

16 SECTION 25. [EFFECTIVE JULY 1, 2011] (a) **As used in this**

17 **SECTION, "commission" refers to the Indiana utility regulatory**

18 **commission created by IC 8-1-1-2, as amended by this act.**

19 (b) **Notwithstanding IC 8-1-1, as in effect July 1, 2012, the term**

20 **of office of a commission member appointed under IC 8-1-1, as in**

21 **effect July 1, 2012, expires January 1, 2013.**

22 (c) **The successors of the commission members described in**

23 **subsection (b) shall:**

24 (1) **be elected at the 2012 general election; and**

25 (2) **take office January 1, 2013;**

26 **as provided in this act.**

27 (d) **This SECTION expires January 1, 2014.**

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