

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1250 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 4-2-6-1, AS AMENDED BY P.L.2-2007,
4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 1. (a) As used in this chapter, and unless the
6 context clearly denotes otherwise:
7 (1) "Advisory body" means an authority, a board, a commission,
8 a committee, a task force, or other body designated by any name
9 of the executive department that is authorized only to make
10 nonbinding recommendations.
11 (2) "Agency" means an authority, a board, a branch, a bureau, a
12 commission, a committee, a council, a department, a division, an
13 office, a service, or other instrumentality of the executive,
14 including the administrative, department of state government. The
15 term includes a body corporate and politic set up as an
16 instrumentality of the state and a private, nonprofit, government
17 related corporation. The term does not include any of the
18 following:
19 (A) The judicial department of state government.
20 (B) The legislative department of state government.
21 (C) A state educational institution.
22 (D) A political subdivision.
23 **The term does not include a commuter transportation district**
24 **established under IC 8-5-15.**
25 (3) "Appointing authority" means **the following:**
26 **(A) Except as provided in clause (B),** the chief administrative
27 officer of an agency. The term does not include a state officer.
28 **(B) For purposes of section 16 of this chapter, "appointing**
29 **authority" means:**
30 **(i) an elected officer;**

- 1 **(ii) the chief administrative officer of an agency; or**
 2 **(iii) an individual or group of individuals who have the**
 3 **power by law or by lawfully delegated authority to make**
 4 **appointments.**
- 5 (4) "Assist" means to:
 6 (A) help;
 7 (B) aid;
 8 (C) advise; or
 9 (D) furnish information to;
 10 a person. The term includes an offer to do any of the actions in
 11 clauses (A) through (D).
- 12 (5) "Business relationship" includes the following:
 13 (A) Dealings of a person with an agency seeking, obtaining,
 14 establishing, maintaining, or implementing:
 15 (i) a pecuniary interest in a contract or purchase with the
 16 agency; or
 17 (ii) a license or permit requiring the exercise of judgment or
 18 discretion by the agency.
 19 (B) The relationship a lobbyist has with an agency.
 20 (C) The relationship an unregistered lobbyist has with an
 21 agency.
- 22 (6) "Commission" refers to the state ethics commission created
 23 under section 2 of this chapter.
- 24 (7) "Compensation" means any money, thing of value, or financial
 25 benefit conferred on, or received by, any person in return for
 26 services rendered, or for services to be rendered, whether by that
 27 person or another.
- 28 **(8) "Direct line of supervision" means the chain of command**
 29 **in which the superior affects or has the authority to affect, the**
 30 **terms and conditions of the subordinate's employment,**
 31 **including making decisions about work assignments,**
 32 **compensation, grievances, advancements, or performance**
 33 **evaluation.**
- 34 ~~(8)~~ (9) "Employee" means an individual, other than a state officer,
 35 who is employed by an agency on a full-time, a part-time, a
 36 temporary, an intermittent, or an hourly basis. The term includes
 37 an individual who contracts with an agency for personal services.
- 38 ~~(9)~~ (10) "Employer" means any person from whom a state officer
 39 or employee or the officer's or employee's spouse received
 40 compensation. For purposes of this chapter, a customer or client
 41 of a self-employed individual in a sole proprietorship or a
 42 professional practice is not considered to be an employer.
- 43 ~~(10)~~ (11) "Financial interest" means an interest:
 44 (A) in a purchase, sale, lease, contract, option, or other
 45 transaction between an agency and any person; or
 46 (B) involving property or services.

1 The term includes an interest arising from employment or
 2 prospective employment for which negotiations have begun. The
 3 term does not include an interest of a state officer or employee in
 4 the common stock of a corporation unless the combined holdings
 5 in the corporation of the state officer or the employee, that
 6 individual's spouse, and that individual's unemancipated children
 7 are more than one percent (1%) of the outstanding shares of the
 8 common stock of the corporation. The term does not include an
 9 interest that is not greater than the interest of the general public
 10 or any state officer or any state employee.

11 ~~(11)~~ **(12)** "Information of a confidential nature" means
 12 information:

- 13 (A) obtained by reason of the position or office held; and
 14 (B) which:
 15 (i) a public agency is prohibited from disclosing under
 16 IC 5-14-3-4(a);
 17 (ii) a public agency has the discretion not to disclose under
 18 IC 5-14-3-4(b) and that the agency has not disclosed; or
 19 (iii) is not in a public record, but if it were, would be
 20 confidential.

21 ~~(12)~~ **(13)** "Person" means any individual, proprietorship,
 22 partnership, unincorporated association, trust, business trust,
 23 group, limited liability company, or corporation, whether or not
 24 operated for profit, or a governmental agency or political
 25 subdivision.

26 ~~(13)~~ **(14)** "Political subdivision" means a county, city, town,
 27 township, school district, municipal corporation, special taxing
 28 district, or other local instrumentality. The term includes an
 29 officer of a political subdivision.

30 ~~(14)~~ **(15)** "Property" has the meaning set forth in IC 35-41-1-23.

31 **(16) "Relative" means any of the following:**

- 32 (A) A spouse.
 33 (B) A parent or stepparent.
 34 (C) A child or stepchild.
 35 (D) A brother, sister, stepbrother, or stepsister.
 36 (E) A niece or nephew.
 37 (F) An aunt or uncle.
 38 (G) A daughter-in-law or son-in-law.

39 **For purposes of this subdivision, an adopted child of an**
 40 **individual is treated as a natural child of the individual. For**
 41 **purposes of this subdivision, the terms "brother" and "sister"**
 42 **include a brother or sister by the half blood.**

43 ~~(15)~~ **(17)** "Represent" means to do any of the following on behalf
 44 of a person:

- 45 (A) Attend an agency proceeding.
 46 (B) Write a letter.

- 1 (C) Communicate with an employee of an agency.
 2 ~~(16)~~ **(18)** "Special state appointee" means a person who is:
 3 (A) not a state officer or employee; and
 4 (B) elected or appointed to an authority, a board, a
 5 commission, a committee, a council, a task force, or other
 6 body designated by any name that:
 7 (i) is authorized by statute or executive order; and
 8 (ii) functions in a policy or an advisory role in the executive
 9 (including the administrative) department of state
 10 government, including a separate body corporate and politic.
 11 ~~(17)~~ **(19)** "State officer" means any of the following:
 12 (A) The governor.
 13 (B) The lieutenant governor.
 14 (C) The secretary of state.
 15 (D) The auditor of state.
 16 (E) The treasurer of state.
 17 (F) The attorney general.
 18 (G) The superintendent of public instruction.
 19 ~~(18)~~ **(20)** The masculine gender includes the masculine and
 20 feminine.
 21 ~~(19)~~ **(21)** The singular form of any noun includes the plural
 22 wherever appropriate.
 23 (b) The definitions in IC 4-2-7 apply throughout this chapter."
 24 Page 1, line 1, delete "IC 4-15-7.1" and insert "IC 4-2-6-16".
 25 Page 1, line 2, delete "CHAPTER" and insert "SECTION".
 26 Page 1, delete line 4.
 27 Page 1, line 5, delete "1." and insert "**16. (a)**".
 28 Page 1, run in lines 3 through 5.
 29 Page 1, delete lines 7 through 17, begin a new paragraph and insert:
 30 "**(b) As used in this section, "employed" refers to all**
 31 **employment, including full-time, part-time, temporary,**
 32 **intermittent, or hourly. The term includes service as a state officer**
 33 **or special state appointee."**
 34 Page 2, delete lines 1 through 23.
 35 Page 2, line 24, delete "Sec. 8." and insert "**(c)**".
 36 Page 2, line 26, delete "Sec. 9. (a)" and insert "**(d)**".
 37 Page 2, line 26, delete "(b)," and insert "**(e)**".
 38 Page 2, line 29, delete "(b)" and insert "**(e)**".
 39 Page 2, line 34, delete "Sec. 10." and insert "**(f)**".
 40 Page 2, line 34, delete "section 9(b) of this chapter," and insert
 41 "**subsection (e)**".
 42 Page 2, line 37, delete "Sec. 11." and insert "**(g)**".
 43 Page 2, line 40, delete "Sec. 12." and insert "**(h)**".
 44 Page 2, line 42, delete "IC 4-2-6-12" and insert "**section 12 of this**
 45 **chapter."**
 46 Renumber all SECTIONS consecutively.

(Reference is to EHB 1250 as printed February 10, 2012.)

Senator TALLIAN