

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 560 be amended to read as follows:

- 1 Delete the title and insert the following:
2 A BILL FOR AN ACT to amend the Indiana Code concerning
3 utilities and to make an appropriation.
4 Page 1, between the enacting clause and line 1, begin a new
5 paragraph and insert:
6 "SECTION 1. IC 3-5-2-48 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 48. "State office" refers
8 to **the following offices:**
9 (1) **The** governor.
10 (2) **The** lieutenant governor.
11 (3) **The** secretary of state.
12 (4) **The** auditor of state.
13 (5) **The** treasurer of state.
14 (6) **The** superintendent of public instruction.
15 (7) **The** attorney general.
16 (8) **A** justice of the supreme court.
17 (9) **A** judge of the court of appeals. **and**
18 (10) **A** judge of the tax court.
19 (11) **Beginning January 1, 2014, the chair of the Indiana**
20 **utility regulatory commission.**
21 SECTION 2. IC 3-8-1-2 IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) The commission, a county
23 election board, or a town election board shall act if a candidate (or a
24 person acting on behalf of a candidate in accordance with state law) has

- 1 filed any of the following:
- 2 (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- 3 (2) A request for ballot placement in a presidential primary under
- 4 IC 3-8-3.
- 5 (3) A petition of nomination or candidate's consent to nomination
- 6 under IC 3-8-6.
- 7 (4) A certificate of nomination under IC 3-8-5, IC 3-8-7,
- 8 IC 3-10-2-15, or IC 3-10-6-12.
- 9 (5) A certificate of candidate selection under IC 3-13-1 or
- 10 IC 3-13-2.
- 11 (6) A declaration of intent to be a write-in candidate under
- 12 IC 3-8-2-2.5.
- 13 (7) A contest to the denial of certification under IC 3-8-6-12.
- 14 (b) The commission has jurisdiction to act under this section with
- 15 regard to any filing described in subsection (a) that was made with the
- 16 election division. Except for a filing under the jurisdiction of a town
- 17 election board, a county election board has jurisdiction to act under this
- 18 section with regard to any filing described in subsection (a) that was
- 19 made with the county election board, county voter registration office,
- 20 or the circuit court clerk. A town election board has jurisdiction to act
- 21 under this section with regard to any filing that was made with the
- 22 county election board, the county voter registration office, or the circuit
- 23 court clerk for nomination or election to a town office.
- 24 (c) Except as provided in subsection (e), before the commission or
- 25 election board acts under this section, a registered voter of the election
- 26 district that a candidate seeks to represent must file a sworn statement
- 27 with the election division or election board:
- 28 (1) questioning the eligibility of a candidate to seek the office;
- 29 and
- 30 (2) setting forth the facts known to the voter concerning this
- 31 question.
- 32 (d) The eligibility of a write-in candidate or a candidate nominated
- 33 by a convention, petition, or primary may not be challenged under this
- 34 section if the commission or board determines that all of the following
- 35 occurred:
- 36 (1) The eligibility of the candidate was challenged under this
- 37 section before the candidate was nominated.
- 38 (2) The commission or board conducted a hearing on the affidavit
- 39 before the nomination.
- 40 (3) This challenge would be based on substantially the same
- 41 grounds as the previous challenge to the candidate.
- 42 (e) Before the commission or election board can consider a contest
- 43 to the denial of a certification under **IC 3-8-2.7-12** or IC 3-8-6-12, a
- 44 candidate (or a person acting on behalf of a candidate in accordance
- 45 with state law) must file a sworn statement with the election division
- 46 or election board:

- 1 (1) stating specifically the basis for the contest; and
 2 (2) setting forth the facts known to the candidate supporting the
 3 basis for the contest.
- 4 (f) Upon the filing of a sworn statement under subsection (c) or (e),
 5 the commission or election board shall determine the validity of the
 6 questioned:
- 7 (1) declaration of candidacy;
 8 (2) declaration of intent to be a write-in candidate;
 9 (3) request for ballot placement under IC 3-8-3;
 10 (4) petition of nomination;
 11 (5) certificate of nomination;
 12 (6) certificate of candidate selection issued under IC 3-13-1-15 or
 13 IC 3-13-2-8; or
 14 (7) denial of a certification under IC 3-8-6-12.
- 15 (g) The commission or election board shall deny a filing if the
 16 commission or election board determines that the candidate has not
 17 complied with the applicable requirements for the candidate set forth
 18 in the Constitution of the United States, the Constitution of the State of
 19 Indiana, or this title.
- 20 SECTION 3. IC 3-8-1-33, AS AMENDED BY P.L.90-2012,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2013]: Sec. 33. (a) A candidate for an office listed in
 23 subsection (b) must file a statement of economic interests.
- 24 (b) Whenever a candidate for any of the following offices is also
 25 required to file a declaration of candidacy or is nominated by petition,
 26 the candidate shall file a statement of economic interests before filing
 27 the declaration of candidacy or declaration of intent to be a write-in
 28 candidate, before the petition of nomination is filed, before the
 29 certificate of nomination is filed, or before being appointed to fill a
 30 candidate vacancy under IC 3-13-1 or IC 3-13-2:
- 31 (1) Governor, lieutenant governor, secretary of state, auditor of
 32 state, treasurer of state, attorney general, **the chair of the Indiana
 33 utility regulatory commission**, and state superintendent of
 34 public instruction, in accordance with IC 4-2-6-8.
 35 (2) Senator and representative in the general assembly, in
 36 accordance with IC 2-2.1-3-2.
 37 (3) Justice of the supreme court, judge of the court of appeals,
 38 judge of the tax court, judge of a circuit court, judge of a superior
 39 court, judge of a probate court, and prosecuting attorney, in
 40 accordance with IC 33-23-11-14 and IC 33-23-11-15.
 41 (4) A candidate for a local office or school board office, in
 42 accordance with IC 3-8-9, except a candidate for a local office
 43 described in subdivision (3).
- 44 SECTION 4. IC 3-8-2.7 IS ADDED TO THE INDIANA CODE AS
 45 A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY
 46 1, 2013]:

1 **Chapter 2.7. Nomination and Election of the Chair of the**
 2 **Indiana Utility Regulatory Commission**

3 **Sec. 1. Beginning with the 2014 general election, the chair of the**
 4 **Indiana utility regulatory commission shall be nominated and**
 5 **elected as provided in this chapter.**

6 **Sec. 2. The chair of the commission shall be elected at a general**
 7 **election on a nonpartisan basis.**

8 **Sec. 3. A candidate for election as chair of the commission must**
 9 **satisfy the following after January 1 of the year of the individual's**
 10 **election:**

11 **(1) The individual must be a registered Indiana voter.**

12 **(2) The individual may not:**

13 **(A) have any official or professional relationship or**
 14 **connection with;**

15 **(B) hold any stock or securities in; or**

16 **(C) have any pecuniary interest in;**

17 **any public utility operating in Indiana.**

18 **Sec. 4. (a) An individual may be nominated to be a candidate for**
 19 **election as chair of the commission by petition of voters.**

20 **(b) A voter who signs a petition of nomination for a candidate**
 21 **must be registered to vote:**

22 **(1) in Indiana; and**

23 **(2) on both the date:**

24 **(A) the voter signs the petition; and**

25 **(B) the county voter registration office certifies the petition**
 26 **under section 8 of this chapter.**

27 **(c) A petition of nomination must be signed by the number of**
 28 **voters equal to one percent (1%) of the total vote cast statewide at**
 29 **the most recent election for secretary of state. In determining the**
 30 **number of signatures required under this subsection, any fraction**
 31 **in excess of a whole number is disregarded.**

32 **Sec. 5. (a) A petition of nomination must state all the following:**

33 **(1) The name of the candidate as:**

34 **(A) the candidate wants the candidate's name to appear on**
 35 **the ballot; and**

36 **(B) the candidate's name is permitted to appear on the**
 37 **ballot under IC 3-5-7.**

38 **(2) The address of each candidate, including the mailing**
 39 **address, if different from the residence address of the**
 40 **candidate.**

41 **(3) The office that each candidate seeks.**

42 **(4) That the petitioners:**

43 **(A) want; and**

44 **(B) are registered and qualified;**

45 **to vote for the candidate named in the petition.**

46 **(b) A petition of nomination may not:**

47 **(1) designate a political party or represent that the candidate**

1 named in the petition is affiliated with any political party; or
 2 (2) include the name of any other candidate on the petition.

3 **Sec. 6. (a)** The signatures to a petition of nomination need not be
 4 appended to one (1) paper, but a petitioner may not be counted
 5 unless at the time of signing the petitioner is registered and
 6 qualified to vote. Each petition must contain the following:

- 7 (1) The signature of each petitioner.
 8 (2) The name of each petitioner legibly printed.
 9 (3) The residence mailing address of each petitioner.

10 (b) Each petitioner on a petition of nomination must sign the
 11 petitioner's name or have the petitioner's mark attested.

12 **Sec. 7.** For a petition of nomination to be considered valid, the
 13 county voter registration office of the county where the petitioner
 14 is registered must certify that each petitioner is a voter in the
 15 county. The certification must accompany and be part of each
 16 petition. The certification must indicate that each petitioner is
 17 eligible to vote for the candidates being nominated by the petition.

18 **Sec. 8. (a)** A petition of nomination must be submitted to the
 19 county voter registration office of each county in which the election
 20 district is located.

21 (b) The petition must be filed during the period beginning on the
 22 first date that a declaration of candidacy for a primary election
 23 may be filed under IC 3-8-2-4 in the year in which the election will
 24 be held and ending at noon June 30 before the election.

25 (c) The county voter registration office shall certify and file a
 26 petition that complies with the requirements of this chapter with
 27 the secretary of state not later than noon July 15 before the
 28 election. Following certification of a petition under this section, the
 29 office may, upon the request of a candidate named in the petition,
 30 return the original petition to the candidate for filing with the
 31 secretary of state in accordance with this subsection.

32 **Sec. 9. (a)** The petition of nomination must be accompanied by
 33 the following:

- 34 (1) The candidate's written consent to become a candidate.
 35 (2) A statement that the candidate:
 36 (A) is aware of the provisions of IC 3-9 regarding
 37 campaign finance and the reporting of campaign
 38 contributions and expenditures; and
 39 (B) agrees to comply with the provisions of IC 3-9.

40 The candidate must separately sign the statement required by
 41 this subdivision.

42 (3) A statement by the candidate that the candidate has filed
 43 a campaign finance statement of organization under
 44 IC 3-9-1-5 or is aware that the candidate may be required to
 45 file a campaign finance statement of organization not later
 46 than noon seven (7) days after the final date for filing a
 47 petition for nomination under this chapter.

- 1 **(4) A statement indicating whether or not the candidate:**
2 **(A) has been a candidate for state or local office in a**
3 **previous primary or general election; and**
4 **(B) has filed all reports required by IC 3-9-5-10 for all**
5 **previous candidacies.**
6 **(5) A statement that the candidate is legally qualified to hold**
7 **the office that the candidate seeks, including any applicable**
8 **residency requirements and restrictions on service due to a**
9 **criminal conviction.**
10 **(6) A statement signed by the circuit court clerk of each**
11 **county in the election district of the office sought by the**
12 **individual that:**
13 **(A) is certified by each circuit court clerk; and**
14 **(B) indicates the number of votes cast for secretary of**
15 **state:**
16 **(i) at the most recent election for secretary of state; and**
17 **(ii) in the part of the county included in the election**
18 **district of the office sought by the individual filing the**
19 **petition.**
20 **(7) The statement of economic interests required under**
21 **IC 3-8-1-33.**
22 **(b) The secretary of state shall:**
23 **(1) determine whether a sufficient number of signatures as**
24 **required by this chapter have been obtained; and**
25 **(2) do one (1) of the following:**
26 **(A) If the petition includes a sufficient number of**
27 **signatures, certify the petition.**
28 **(B) If the petition has an insufficient number of signatures,**
29 **deny the certification.**
30 **(c) The secretary of state shall, not later than noon on the date**
31 **specified under IC 3-8-7-16 for the certification of candidates and**
32 **public questions by the election division:**
33 **(1) certify; or**
34 **(2) deny certification;**
35 **under subsection (b) of each petition of nomination filed in the**
36 **secretary of state's office to the appropriate county.**
37 **(d) The form of a petition of nomination must include the**
38 **following information near the separate signature required by**
39 **subsection (a)(2):**
40 **(1) The dates for filing campaign finance reports under**
41 **IC 3-9.**
42 **(2) The penalties for late filing of campaign finance reports**
43 **under IC 3-9.**
44 **(e) A candidate's consent to become a candidate must include a**
45 **statement that the candidate requests the name on the candidate's**
46 **voter registration record be the same as the name the candidate**
47 **uses on the consent to become a candidate. If there is a difference**

1 between the name on the candidate's consent to become a
2 candidate and the name on the candidate's voter registration
3 record, the secretary of state shall forward the information to the
4 voter registration office of the appropriate county as required by
5 IC 3-5-7-6(e). The voter registration office of the appropriate
6 county shall change the name on the candidate's voter registration
7 record to be the same as the name on the candidate's consent to
8 become a candidate.

9 (f) If the secretary of state denies certification under subsection
10 (c), the secretary of state shall notify the candidate immediately by
11 certified mail.

12 (g) A candidate may contest the denial of certification under
13 subsection (c) based on:

14 (1) the county voter registration office's failure to certify,
15 under section 8 of this chapter, qualified petitioners; or

16 (2) the determination described in subsection (b)(1);
17 using the procedure in IC 3-8-1-2 and section 13 of this chapter
18 that applies to questions concerning the validity of a petition of
19 nomination.

20 Sec. 10. (a) A candidate's nomination by petition under this
21 chapter is not effective unless the candidate timely files each
22 document required under this chapter.

23 (b) The election division may not certify the name of a candidate
24 for placement on a ballot by a county election board if the
25 candidate's nomination is ineffective under subsection (a).

26 Sec. 11. A candidate may withdraw a petition of nomination not
27 later than noon July 15 before the general election.

28 Sec. 12. (a) A person may not be selected as a candidate by
29 petition of nomination without giving written consent and having
30 it filed with the secretary of state.

31 (b) Each candidate nominated by petition of nomination must
32 satisfy all statutory eligibility requirements for the office for which
33 the candidate is nominated, including the filing of statements of
34 economic interest.

35 (c) All questions concerning the validity of a petition of
36 nomination filed with the secretary of state or contesting the denial
37 of certification under this chapter shall be referred to and
38 determined by the commission. A statement questioning the
39 validity of a petition of nomination or contesting the denial of
40 certification under this chapter must be filed with the election
41 division under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon
42 seventy-four (74) days before the date on which the general election
43 will be held for the office.

44 (d) The commission shall rule on the validity of the petition of
45 nomination or the denial of certification under this chapter not
46 later than noon sixty (60) days before the date on which the general
47 election will be held for the office.

1 **Sec. 13. (a) This section applies if an individual:**

- 2 **(1) files a petition of nomination under this chapter;**
 3 **(2) moves from the election district that the individual sought**
 4 **to represent following the filing of the petition of nomination;**
 5 **(3) does not file a notice of withdrawal of candidacy under**
 6 **section 12 of this chapter; and**
 7 **(4) is no longer an active candidate.**

8 **(b) Upon determining that this section applies, a registered voter**
 9 **in the election district or a candidate for the office sought by the**
 10 **individual described in subsection (a) may file an action in the**
 11 **circuit court in the county where the individual described in**
 12 **subsection (a) resided. The complaint in this action must:**

- 13 **(1) name the individual described in subsection (a) and the**
 14 **public official responsible for placing that person's name on**
 15 **the ballot as defendants;**
 16 **(2) state that this section applies to the individual described in**
 17 **subsection (a); and**
 18 **(3) be filed not later than a notice of withdrawal could have**
 19 **been filed under section 12 of this chapter.**

20 **(c) When a complaint is filed under subsection (b), the circuit**
 21 **court shall conduct a hearing and rule on the petition not later than**
 22 **ten (10) days after it is filed.**

23 **(d) If the court finds in favor of the plaintiff, the individual**
 24 **named in the action may not be certified as elected to the office.**

25 SECTION 5. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS
 26 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2013]:

28 **Chapter 8. Public Financing of Utility Regulatory Commission**
 29 **Campaigns**

30 **Sec. 1. This chapter applies to the campaign of a candidate for**
 31 **the office of chair of the Indiana utility regulatory commission.**

32 **Sec. 2. As used in this chapter, "candidate" means a candidate**
 33 **for the office of chair of the Indiana utility regulatory commission.**

34 **Sec. 3. (a) The commission election campaign account is**
 35 **established within the public utility fund under IC 8-1-6.**

36 **(b) Each fiscal year in which the office of chair of the Indiana**
 37 **utility regulatory commission will appear on the ballot there is**
 38 **appropriated from the public utility fund to the commission**
 39 **election campaign account an amount sufficient to fully fund the**
 40 **campaign of each eligible candidate.**

41 **(c) The amount described in subsection (b) shall be determined**
 42 **by the commission with the approval of the budget agency not later**
 43 **than March 31 in a year in which the office of member of the**
 44 **Indiana utility regulatory commission will appear on the ballot.**

45 **(d) This subsection applies in a year in which the funds available**
 46 **in the public utility fund are insufficient to fund the amount**
 47 **required under subsection (b). The budget agency shall approve a**

1 transfer from the contingency fund established by IC 8-1-6-1 to the
 2 commission election campaign account of an amount equal to the
 3 difference between the amount in the public utility fund and the
 4 amount required under subsection (b).

5 **Sec. 4. (a)** A candidate for chair of the Indiana utility regulatory
 6 commission shall file a statement of intent to accept or reject a
 7 grant under this chapter.

8 (b) The statement required under subsection (a) must be filed
 9 not later than the deadline for filing a petition of nomination under
 10 IC 3-8-2.7. A candidate may file an amended statement of intent
 11 not later than fifteen (15) calendar days after the deadline for filing
 12 a petition of nomination under IC 3-8-2.7.

13 (c) A candidate who files a statement of intent to accept a grant
 14 shall affirm that the candidate and the candidate's treasurer have
 15 complied with and will continue to comply with the contribution
 16 and expenditure limits established by section 6(a)(6) of this
 17 chapter.

18 (d) A candidate who files a statement of intent to reject a grant
 19 under this chapter may file an affidavit agreeing to voluntarily
 20 comply with the expenditure limit that applies to a candidate who
 21 accepts a grant. A candidate who files an affidavit under this
 22 subsection may rescind the affidavit not later than fifteen (15)
 23 calendar days after the deadline for filing a petition of nomination
 24 under IC 3-8-2.7.

25 **Sec. 5. (a)** This section applies to each candidate who:

- 26 (1) receives funds under this chapter; or
- 27 (2) does not receive funds under this chapter.

28 (b) Each candidate shall comply with IC 3-9-1 through IC 3-9-7.

29 **Sec. 6. (a)** The state election board shall certify that a candidate
 30 for the office of chair of the Indiana utility regulatory commission
 31 is eligible to receive public financing of the candidate's campaign
 32 if each of the following conditions are met:

- 33 (1) The candidate has filed a timely statement of intent to
 34 accept a grant.
- 35 (2) The candidate is certified to appear on the ballot in the
 36 year in which the grant is sought.
- 37 (3) The candidate is opposed by at least one (1) other
 38 candidate.
- 39 (4) The candidate has:
 - 40 (A) not accepted or expended any contributions to the
 41 candidate's campaign from any source other than the
 42 candidate's own funds; or
 - 43 (B) if the candidate accepted a contribution before filing a
 44 statement of intent under section 4 of this chapter,
 45 returned the contribution.

46 (5) The candidate has accepted and expended contributions to
 47 the candidate's campaign from the candidate's own funds in

- 1 **an amount of:**
- 2 (A) at least one thousand dollars (\$1,000); and
- 3 (B) not more than two thousand dollars (\$2,000).
- 4 **(6) The candidate agrees to limit the candidate's campaign**
- 5 **expenditures to an amount equal to the sum of:**
- 6 (A) any grants under section 7 of this chapter; and
- 7 (B) the amount the candidate contributed from the
- 8 candidate's own funds under subdivision (5).
- 9 **(b) The election division shall certify a candidate's eligibility to**
- 10 **receive a grant not later than thirty (30) days after the deadline for**
- 11 **filing a petition of nomination under IC 3-8-2.7.**
- 12 **(c) The election division's certificate must indicate the following:**
- 13 (1) Whether the candidate is eligible to receive a grant.
- 14 (2) If the candidate is eligible, the amount of the grant the
- 15 candidate is to receive.
- 16 (3) If the candidate is not eligible, the reason the candidate is
- 17 not eligible and what action, if any, the candidate may take to
- 18 qualify for the grant.
- 19 **(d) The election division shall immediately certify a candidate**
- 20 **who was not initially eligible but subsequently took the action**
- 21 **necessary to become eligible.**
- 22 **(e) Immediately after certifying a candidate, the election**
- 23 **division shall provide the treasurer of state with the following:**
- 24 (1) A copy of the candidate's certificate.
- 25 (2) An executed disbursement voucher.
- 26 **Sec. 7. (a) Grants shall be awarded to eligible candidates not**
- 27 **sooner than July 15 and before August 15 in the year in which the**
- 28 **candidate will appear on the ballot.**
- 29 **(b) An eligible candidate shall receive a grant in the amount of**
- 30 **seventy-five thousand dollars (\$75,000).**
- 31 **Sec. 8. (a) Grant funds may be used only as follows:**
- 32 (1) To pay for goods and services necessary to the operation
- 33 of the candidate's campaign.
- 34 (2) To pay for rental of office space or capital equipment,
- 35 including computer hardware.
- 36 **(b) Grant funds may not be used for the following:**
- 37 (1) To compensate the candidate or a member of the
- 38 candidate's immediate family.
- 39 (2) To pay the candidate's household expenses.
- 40 (3) To purchase office space or capital equipment, including
- 41 computer hardware.
- 42 **(c) Grant funds remain the property of the state until disbursed**
- 43 **for lawful campaign purposes.**
- 44 **(d) The candidate shall return unexpended grant funds to the**
- 45 **state not later than sixty (60) days after the election.**
- 46 **Sec. 9. (a) Not later than sixty (60) days after an election, each**
- 47 **candidate who received a grant under section 8 of this chapter shall**

1 file a report with the election division describing all:
 2 (1) expenditures disbursed; and
 3 (2) contributions received;
 4 for the candidate's campaign. The report must include copies of
 5 any receipts or other proof available of the items described.

6 (b) The election division may conduct a random audit of a
 7 candidate's campaign accounts and records to verify the accuracy
 8 of the report.

9 Sec. 10. (a) The commission shall prescribe forms for reports
 10 and statements required under this chapter.

11 (b) The candidate or the candidate's treasurer shall sign and
 12 date each report or statement filed under this chapter.

13 Sec. 11. The commission shall adopt rules under IC 4-22-2 to
 14 implement this chapter.

15 SECTION 6. IC 3-11-2-12, AS AMENDED BY P.L.6-2012,
 16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2013]: Sec. 12. The following offices shall be placed on the
 18 general election ballot in the following order after the public questions
 19 described in section 10(a) of this chapter:

- 20 (1) Federal and state offices:
 - 21 (A) President and Vice President of the United States.
 - 22 (B) United States Senator.
 - 23 (C) Governor and lieutenant governor.
 - 24 (D) Secretary of state.
 - 25 (E) Auditor of state.
 - 26 (F) Treasurer of state.
 - 27 (G) Attorney general.
 - 28 (H) Superintendent of public instruction.
 - 29 (I) United States Representative.
 - 30 **(J) Chair of the Indiana utility regulatory commission.**
- 31 (2) Legislative offices:
 - 32 (A) State senator.
 - 33 (B) State representative.
- 34 (3) Circuit offices and county judicial offices:
 - 35 (A) Judge of the circuit court, and unless otherwise specified
 - 36 under IC 33, with each division separate if there is more than
 - 37 one (1) judge of the circuit court.
 - 38 (B) Judge of the superior court, and unless otherwise specified
 - 39 under IC 33, with each division separate if there is more than
 - 40 one (1) judge of the superior court.
 - 41 (C) Judge of the probate court.
 - 42 (D) Prosecuting attorney.
 - 43 (E) Clerk of the circuit court.
- 44 (4) County offices:
 - 45 (A) County auditor.
 - 46 (B) County recorder.

- 1 (C) County treasurer.
- 2 (D) County sheriff.
- 3 (E) County coroner.
- 4 (F) County surveyor.
- 5 (G) County assessor.
- 6 (H) County commissioner.
- 7 (I) County council member.
- 8 (5) Township offices:
- 9 (A) Township assessor (only in a township referred to in
- 10 IC 36-6-5-1(d)).
- 11 (B) Township trustee.
- 12 (C) Township board member.
- 13 (D) Judge of the small claims court.
- 14 (E) Constable of the small claims court.
- 15 (6) City offices:
- 16 (A) Mayor.
- 17 (B) Clerk or clerk-treasurer.
- 18 (C) Judge of the city court.
- 19 (D) City-county council member or common council member.
- 20 (7) Town offices:
- 21 (A) Clerk-treasurer.
- 22 (B) Judge of the town court.
- 23 (C) Town council member.

24 SECTION 7. IC 4-1-6-1, AS AMENDED BY P.L.2-2007,
 25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2013]: Sec. 1. ~~As used in~~ **The following definitions apply**
 27 **throughout** this chapter: ~~the term:~~

- 28 (a) (1) "Personal information system" means any recordkeeping
- 29 process, whether automated or manual, containing personal
- 30 information and the name, personal number, or other identifying
- 31 particulars of a data subject.
- 32 (b) (2) "Personal information" means any information that
- 33 describes, locates, or indexes anything about an individual or that
- 34 affords a basis for inferring personal characteristics about an
- 35 individual including, but not limited to, ~~his~~ **the individual's**
- 36 education, financial transactions, medical history, criminal or
- 37 employment records, finger and voice prints, photographs, or ~~his~~
- 38 **the individual's** presence, registration, or membership in an
- 39 organization or activity or admission to an institution.
- 40 (c) (3) "Data subject" means an individual about whom personal
- 41 information is indexed or may be located under ~~his~~ **the**
- 42 **individual's** name, personal number, or other identifiable
- 43 particulars, in a personal information system.
- 44 (d) (4) "State agency" means every agency, board, commission,
- 45 department, bureau, or other entity of the administrative branch
- 46 of Indiana state government, except those which are the

- 1 responsibility of **any of the following:**
- 2 (A) The auditor of state.
- 3 (B) **The** treasurer of state.
- 4 (C) **The** secretary of state.
- 5 (D) **The** attorney general.
- 6 (E) **The** superintendent of public instruction. ~~and excepting~~
- 7 (F) **The Indiana utility regulatory commission.**
- 8 (G) The ~~department~~ of state police ~~and department.~~
- 9 (H) **The** state educational institutions.
- 10 (e) (5) "Confidential" means information which has been so
- 11 designated by statute or by promulgated rule or regulation based
- 12 on statutory authority.
- 13 SECTION 8. IC 4-2-1-1.5, AS ADDED BY P.L.43-2007, SECTION
- 14 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 15 2013]: Sec. 1.5. (a) Subject to subsection (b), the salary of the state
- 16 elected officials other than the governor is as follows:
- 17 (1) For the lieutenant governor, seventy-six thousand dollars
- 18 (\$76,000) per year. However, the lieutenant governor is not
- 19 entitled to receive per diem allowance for performance of duties
- 20 as president of the senate.
- 21 (2) For the secretary of state, sixty-six thousand dollars (\$66,000)
- 22 per year.
- 23 (3) For the auditor of state, sixty-six thousand dollars (\$66,000)
- 24 per year.
- 25 (4) For the treasurer of state, sixty-six thousand dollars (\$66,000)
- 26 per year.
- 27 (5) For the attorney general, seventy-nine thousand four hundred
- 28 dollars (\$79,400) per year.
- 29 (6) For the state superintendent of public instruction, seventy-nine
- 30 thousand four hundred dollars (\$79,400) per year.
- 31 (7) **Beginning January 1, 2015, for the chair of the Indiana**
- 32 **utility regulatory commission, one hundred eleven thousand**
- 33 **dollars (\$111,000) per year.**
- 34 (b) Beginning January 1, 2008, the part of the total salary of a state
- 35 elected official is increased on January 1 of each year after a year in
- 36 which the general assembly does not amend this section to provide a
- 37 salary increase for the state elected official. **Beginning January 1,**
- 38 **2016, the part of the total salary of the chair of the Indiana utility**
- 39 **regulatory commission is increased as provided in this section for**
- 40 **the other state elected officials.**
- 41 (c) The percentage by which salaries are increased under this
- 42 section is equal to the statewide average percentage, as determined by
- 43 the budget director, by which the salaries of state employees in the
- 44 executive branch who are in the same or a similar salary bracket
- 45 exceed, for the current state fiscal year, the salaries of executive branch
- 46 state employees in the same or a similar salary bracket that were in

- 1 effect on January 1 of the immediately preceding year.
- 2 (d) The amount of a salary increase under this section is equal to the
- 3 amount determined by applying the percentage increase for the
- 4 particular year to the salary of the state elected official, as previously
- 5 adjusted under this section, that is in effect on January 1 of the
- 6 immediately preceding year.
- 7 (e) A state elected official is not entitled to receive a salary increase
- 8 under this section on January 1 of a state fiscal year in which state
- 9 employees described in subsection (c) do not receive a statewide
- 10 average salary increase.
- 11 (f) If a salary increase is required under this section, an amount
- 12 sufficient to pay for the salary increase is appropriated from the state
- 13 general fund.
- 14 SECTION 9. IC 4-2-6-1, AS AMENDED BY P.L.114-2012,
- 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2013]: Sec. 1. (a) As used in this chapter, and unless the
- 17 context clearly denotes otherwise:
- 18 (1) "Advisory body" means an authority, a board, a commission,
- 19 a committee, a task force, or other body designated by any name
- 20 of the executive department that is authorized only to make
- 21 nonbinding recommendations.
- 22 (2) "Agency" means an authority, a board, a branch, a bureau, a
- 23 commission, a committee, a council, a department, a division, an
- 24 office, a service, or other instrumentality of the executive,
- 25 including the administrative, department of state government. The
- 26 term includes a body corporate and politic set up as an
- 27 instrumentality of the state and a private, nonprofit, government
- 28 related corporation. The term does not include any of the
- 29 following:
- 30 (A) The judicial department of state government.
- 31 (B) The legislative department of state government.
- 32 (C) A state educational institution.
- 33 (D) A political subdivision.
- 34 (3) "Appointing authority" means the following:
- 35 (A) Except as provided in clause (B), the chief administrative
- 36 officer of an agency. The term does not include a state officer.
- 37 (B) For purposes of section 16 of this chapter, "appointing
- 38 authority" means:
- 39 (i) an elected officer;
- 40 (ii) the chief administrative officer of an agency; or
- 41 (iii) an individual or group of individuals who have the
- 42 power by law or by lawfully delegated authority to make
- 43 appointments.
- 44 (4) "Assist" means to:
- 45 (A) help;
- 46 (B) aid;

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

- 1 interest that is not greater than the interest of the general public
 2 or any state officer or any state employee.
- 3 (12) "Information of a confidential nature" means information:
 4 (A) obtained by reason of the position or office held; and
 5 (B) which:
 6 (i) a public agency is prohibited from disclosing under
 7 IC 5-14-3-4(a);
 8 (ii) a public agency has the discretion not to disclose under
 9 IC 5-14-3-4(b) and that the agency has not disclosed; or
 10 (iii) is not in a public record, but if it were, would be
 11 confidential.
- 12 (13) "Person" means any individual, proprietorship, partnership,
 13 unincorporated association, trust, business trust, group, limited
 14 liability company, or corporation, whether or not operated for
 15 profit, or a governmental agency or political subdivision.
- 16 (14) "Political subdivision" means a county, city, town, township,
 17 school district, municipal corporation, special taxing district, or
 18 other local instrumentality. The term includes an officer of a
 19 political subdivision.
- 20 (15) "Property" has the meaning set forth in IC 35-31.5-2-253.
- 21 (16) "Relative" means any of the following:
 22 (A) A spouse.
 23 (B) A parent or stepparent.
 24 (C) A child or stepchild.
 25 (D) A brother, sister, stepbrother, or stepsister.
 26 (E) A niece or nephew.
 27 (F) An aunt or uncle.
 28 (G) A daughter-in-law or son-in-law.
- 29 For purposes of this subdivision, an adopted child of an individual
 30 is treated as a natural child of the individual. For purposes of this
 31 subdivision, the terms "brother" and "sister" include a brother or
 32 sister by the half blood.
- 33 (17) "Represent" means to do any of the following on behalf of a
 34 person:
 35 (A) Attend an agency proceeding.
 36 (B) Write a letter.
 37 (C) Communicate with an employee of an agency.
- 38 (18) "Special state appointee" means a person who is:
 39 (A) not a state officer or employee; and
 40 (B) elected or appointed to an authority, a board, a
 41 commission, a committee, a council, a task force, or other
 42 body designated by any name that:
 43 (i) is authorized by statute or executive order; and
 44 (ii) functions in a policy or an advisory role in the executive
 45 (including the administrative) department of state
 46 government, including a separate body corporate and politic.

- 1 (19) "State officer" means any of the following:
- 2 (A) The governor.
- 3 (B) The lieutenant governor.
- 4 (C) The secretary of state.
- 5 (D) The auditor of state.
- 6 (E) The treasurer of state.
- 7 (F) The attorney general.
- 8 (G) The superintendent of public instruction.
- 9 **(H) The chair of the Indiana utility regulatory commission.**
- 10 (20) The masculine gender includes the masculine and feminine.
- 11 (21) The singular form of any noun includes the plural wherever
- 12 appropriate.
- 13 (b) The definitions in IC 4-2-7 apply throughout this chapter.
- 14 SECTION 10. IC 4-2-6-8, AS AMENDED BY P.L.23-2011,
- 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2013]: Sec. 8. (a) The following persons shall file a written
- 17 financial disclosure statement:
- 18 (1) **The following:**
- 19 (A) The governor.
- 20 **(B) The** lieutenant governor.
- 21 **(C) The** secretary of state.
- 22 **(D) The** auditor of state.
- 23 **(E) The** treasurer of state.
- 24 **(F) The** attorney general. ~~and~~
- 25 **(G) The** state superintendent of public instruction.
- 26 **(H) Beginning January 1, 2015, the chair of the Indiana**
- 27 **utility regulatory commission.**
- 28 (2) Any candidate for one (1) of the offices in subdivision (1) who
- 29 is not the holder of one (1) of those offices.
- 30 (3) Any person who is the appointing authority of an agency.
- 31 (4) The director of each division of the department of
- 32 administration.
- 33 (5) Any purchasing agent within the procurement division of the
- 34 department of administration.
- 35 (6) Any agency employee, special state appointee, former agency
- 36 employee, or former special state appointee with final purchasing
- 37 authority.
- 38 (7) The chief investment officer employed by the Indiana public
- 39 retirement system.
- 40 (8) Any employee of the Indiana public retirement system whose
- 41 duties include the recommendation, selection, and management
- 42 of:
- 43 (A) the investments of the funds administered by the Indiana
- 44 public retirement system;
- 45 (B) the investment options offered in the annuity savings
- 46 accounts in the public employees' retirement fund and the

- 1 Indiana state teachers' retirement fund;
- 2 (C) the investment options offered in the legislators' defined
- 3 contribution plan; or
- 4 (D) investment managers, investment advisors, and other
- 5 investment service providers of the Indiana public retirement
- 6 system.

7 (9) An employee required to do so by rule adopted by the
 8 inspector general.

9 (b) The statement shall be filed with the inspector general as
 10 follows:

11 (1) Not later than February 1 of every year, in the case of the state
 12 officers and employees enumerated in subsection (a).

13 (2) If the individual has not previously filed under subdivision (1)
 14 during the present calendar year and is filing as a candidate for a
 15 state office listed in subsection (a)(1), before filing a declaration
 16 of candidacy under IC 3-8-2 or IC 3-8-4-11, petition of
 17 nomination under IC 3-8-6, or declaration of intent to be a
 18 write-in candidate under IC 3-8-2-2.5, or before a certificate of
 19 nomination is filed under IC 3-8-7-8, in the case of a candidate for
 20 one (1) of the state offices (unless the statement has already been
 21 filed when required under IC 3-8-4-11).

22 (3) Not later than sixty (60) days after employment or taking
 23 office, unless the previous employment or office required the
 24 filing of a statement under this section.

25 (4) Not later than thirty (30) days after leaving employment or
 26 office, unless the subsequent employment or office requires the
 27 filing of a statement under this section.

28 The statement must be made under affirmation.

29 (c) The statement shall set forth the following information for the
 30 preceding calendar year or, in the case of a state officer or employee
 31 who leaves office or employment, the period since a previous statement
 32 was filed:

- 33 (1) The name and address of any person known:
 - 34 (A) to have a business relationship with the agency of the state
 - 35 officer or employee or the office sought by the candidate; and
 - 36 (B) from whom the state officer, candidate, or the employee,
 - 37 or that individual's spouse or unemancipated children received
 - 38 a gift or gifts having a total fair market value in excess of one
 - 39 hundred dollars (\$100).

40 (2) The location of all real property in which the state officer,
 41 candidate, or the employee or that individual's spouse or
 42 unemancipated children has an equitable or legal interest either
 43 amounting to five thousand dollars (\$5,000) or more or
 44 comprising ten percent (10%) of the state officer's, candidate's, or
 45 the employee's net worth or the net worth of that individual's
 46 spouse or unemancipated children. An individual's primary

- 1 personal residence need not be listed, unless it also serves as
- 2 income property.
- 3 (3) The names and the nature of the business of the employers of
- 4 the state officer, candidate, or the employee and that individual's
- 5 spouse.
- 6 (4) The following information about any sole proprietorship
- 7 owned or professional practice operated by the state officer,
- 8 candidate, or the employee or that individual's spouse:
- 9 (A) The name of the sole proprietorship or professional
- 10 practice.
- 11 (B) The nature of the business.
- 12 (C) Whether any clients are known to have had a business
- 13 relationship with the agency of the state officer or employee or
- 14 the office sought by the candidate.
- 15 (D) The name of any client or customer from whom the state
- 16 officer, candidate, employee, or that individual's spouse
- 17 received more than thirty-three percent (33%) of the state
- 18 officer's, candidate's, employee's, or that individual's spouse's
- 19 nonstate income in a year.
- 20 (5) The name of any partnership of which the state officer,
- 21 candidate, or the employee or that individual's spouse is a member
- 22 and the nature of the partnership's business.
- 23 (6) The name of any corporation (other than a church) of which
- 24 the state officer, candidate, or the employee or that individual's
- 25 spouse is an officer or a director and the nature of the
- 26 corporation's business.
- 27 (7) The name of any corporation in which the state officer,
- 28 candidate, or the employee or that individual's spouse or
- 29 unemancipated children own stock or stock options having a fair
- 30 market value in excess of ten thousand dollars (\$10,000).
- 31 However, if the stock is held in a blind trust, the name of the
- 32 administrator of the trust must be disclosed on the statement
- 33 instead of the name of the corporation. A time or demand deposit
- 34 in a financial institution or insurance policy need not be listed.
- 35 (8) The name and address of the most recent former employer.
- 36 (9) Additional information that the person making the disclosure
- 37 chooses to include.
- 38 Any such state officer, candidate, or employee may file an amended
- 39 statement upon discovery of additional information required to be
- 40 reported.
- 41 (d) A person who:
- 42 (1) fails to file a statement required by rule or this section in a
- 43 timely manner; or
- 44 (2) files a deficient statement;
- 45 upon a majority vote of the commission, is subject to a civil penalty at
- 46 a rate of not more than ten dollars (\$10) for each day the statement

1 remains delinquent or deficient. The maximum penalty under this
2 subsection is one thousand dollars (\$1,000).

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

5 SECTION 11. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2013]: Sec. 2. ~~As used in~~ **The following**
7 **definitions apply throughout** this chapter:

8 (1) "Agency" means any executive or administrative department,
9 commission, council, board, bureau, division, service, office,
10 officer, administration, or other establishment in the executive or
11 administrative branch of the state government not provided for by
12 the constitution. ~~The term~~ "Agency" does not include the
13 **following:**

- 14 (A) ~~The~~ secretary of state.
- 15 (B) The auditor of state.
- 16 (C) The treasurer of state.
- 17 (D) The lieutenant governor.
- 18 (E) The state superintendent of public instruction. ~~and~~
- 19 (F) The attorney general. ~~nor~~
- 20 (G) **The Indiana utility regulatory commission.**
- 21 (H) The departments of which ~~they~~ **any of the officers listed**
22 **in clauses (A) through (G)** are, by the statutes first adopted
23 setting out their duties, the administrative heads.

24 (2) "Reorganization" means:

- 25 (A) the transfer of the whole or any part of any agency, or of
26 the whole or any part of the functions thereof, to the
27 jurisdiction and control of any other agency;
- 28 (B) the abolition of all or any part of the functions of any
29 agency;
- 30 (C) the consolidation or coordination of the whole or any part
31 of any agency, or of the whole or any part of the functions
32 thereof, with the whole or any part of any other agency or the
33 functions thereof;
- 34 (D) the consolidation or coordination of any part of any agency
35 or the functions thereof with any other part of the same agency
36 or the functions thereof;
- 37 (E) the authorization of any officer to delegate any of ~~his~~ **the**
38 **officer's** functions; or
- 39 (F) the abolition of the whole or any part of any agency which
40 agency or part does not have, or upon the taking effect of a
41 reorganization plan will not have, any functions.

42 SECTION 12. IC 5-8-3.5-1 IS AMENDED TO READ AS
43 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) An officer who
44 wants to resign shall give written notice of the officer's resignation as
45 follows:

46 (1) The governor and lieutenant governor shall notify the

- 1 principal clerk of the house of representatives and the principal
- 2 secretary of the senate to act in accordance with Article 5, Section
- 3 10 of the Constitution of the State of Indiana. The clerk and the
- 4 secretary shall file a copy of the notice with the office of the
- 5 secretary of state.
- 6 (2) A member of the general assembly shall notify the following,
- 7 whichever applies:
- 8 (A) A member of the senate shall notify the president pro
- 9 tempore of the senate.
- 10 (B) A member of the house of representatives shall notify the
- 11 speaker of the house of representatives.
- 12 (3) The following officers ~~commissioned by the governor under~~
- 13 ~~IC 4-3-1-5~~ shall notify the governor:
- 14 (A) An elector or alternate elector for President and Vice
- 15 President of the United States.
- 16 (B) The **following officers:**
- 17 (i) **The** secretary of state.
- 18 (ii) **The** auditor of state.
- 19 (iii) **The** treasurer of state.
- 20 (iv) **The** superintendent of public instruction. ~~or~~
- 21 (v) **The** attorney general.
- 22 (vi) **The chair of the Indiana utility regulatory**
- 23 **commission.**
- 24 (C) An officer elected by the general assembly, the senate, or
- 25 the house of representatives.
- 26 (D) A justice of the Indiana supreme court, judge of the
- 27 Indiana court of appeals, or judge of the Indiana tax court.
- 28 (E) A judge of a circuit, city, county, probate, superior, town,
- 29 or township small claims court.
- 30 (F) A prosecuting attorney.
- 31 (G) A circuit court clerk.
- 32 (H) A county auditor, county recorder, county treasurer,
- 33 county sheriff, county coroner, or county surveyor.
- 34 (4) An officer of a political subdivision (as defined by
- 35 IC 36-1-2-13) other than an officer listed in subdivision (3) shall
- 36 notify the circuit court clerk of the county containing the largest
- 37 percentage of population of the political subdivision.
- 38 (5) An officer not listed in subdivisions (1) through (4) shall
- 39 notify the person or entity from whom the officer received the
- 40 officer's appointment.
- 41 (b) A person or an entity that receives notice of a resignation and
- 42 does not have the power to fill the vacancy created by the resignation
- 43 shall, not later than seventy-two (72) hours after receipt of the notice
- 44 of resignation, give notice of the vacancy to the person or entity that
- 45 has the power to:
- 46 (1) fill the vacancy; or

1 (2) call a caucus for the purpose of filling the vacancy.
2 SECTION 13. IC 5-14-3-3.5, AS AMENDED BY P.L.177-2005,
3 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2013]: Sec. 3.5. (a) As used in this section, "state agency" has
5 the meaning set forth in IC 4-13-1-1. The term does not include the
6 office of the following elected state officials:
7 (1) **The** secretary of state.
8 (2) **The** auditor **of state**.
9 (3) **The** treasurer **of state**.
10 (4) **The** attorney general.
11 (5) **The** superintendent of public instruction.
12 **(6) The Indiana utility regulatory commission.**
13 However, each state office described in subdivisions (1) through ~~(5)~~ (6)
14 and the judicial department of state government may use the computer
15 gateway administered by the office of technology established by
16 IC 4-13.1-2-1, subject to the requirements of this section.
17 (b) As an additional means of inspecting and copying public
18 records, a state agency may provide enhanced access to public records
19 maintained by the state agency.
20 (c) If the state agency has entered into a contract with a third party
21 under which the state agency provides enhanced access to the person
22 through the third party's computer gateway or otherwise, all of the
23 following apply to the contract:
24 (1) The contract between the state agency and the third party must
25 provide for the protection of public records in accordance with
26 subsection (d).
27 (2) The contract between the state agency and the third party may
28 provide for the payment of a reasonable fee to the state agency by
29 either:
30 (A) the third party; or
31 (B) the person.
32 (d) A contract required by this section must provide that the person
33 and the third party will not engage in the following:
34 (1) Unauthorized enhanced access to public records.
35 (2) Unauthorized alteration of public records.
36 (3) Disclosure of confidential public records.
37 (e) A state agency shall provide enhanced access to public records
38 only through the computer gateway administered by the office of
39 technology.
40 SECTION 14. IC 5-24-1-2, AS AMENDED BY P.L.2-2007,
41 SECTION 107, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2013]: Sec. 2. Unless the supervising body of
43 the branch, institution, or office elects to have this article apply and
44 records the election with the state board of accounts, this article does
45 not apply to the following:
46 (1) The judicial branch.

- 1 (2) The legislative branch.
- 2 (3) A state educational institution.
- 3 (4) The offices of the **following**:
- 4 (A) **The** secretary of state.
- 5 (B) **The** auditor of state.
- 6 (C) **The** treasurer of state.
- 7 (D) **The** attorney general.
- 8 (E) **The** superintendent of public instruction. ~~and~~
- 9 (F) **The Indiana utility regulatory commission.**
- 10 (G) The clerk of the supreme court."

11 Page 2, between lines 24 and 25, begin a new paragraph and insert:
 12 "SECTION 16. IC 8-1-1-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) There is created
 14 the Indiana utility regulatory commission which shall consist of five (5)
 15 members, at least one (1) of whom shall be an attorney qualified to
 16 practice law before the supreme court of Indiana and not more than
 17 three (3) of whom belong to the same political party.

18 (b) The members of the commission and all vacancies occurring
 19 therein shall be appointed by the governor from among persons
 20 nominated by the nominating committee in accordance with the
 21 provisions of IC 8-1-1.5. **After December 31, 2013, the chair of the**
 22 **commission shall be elected as provided in IC 3.**

23 (c) The members may be removed at any time by the governor for
 24 cause. **This subsection does not apply to the chair of the**
 25 **commission after December 31, 2014.**

26 (d) The governor shall appoint one (1) member as ~~chairman~~ **the**
 27 **commission's chair. This subsection does not apply after December**
 28 **31, 2014.**

29 (e) The members of the commission shall be appointed for a term of
 30 four (4) years, except when a member is appointed to fill a vacancy, in
 31 which case such appointment shall be for such unexpired term only. All
 32 members of said commission shall serve as such until their successors
 33 are duly appointed and qualified, and while so serving shall devote full
 34 time to the duties of the commission and shall not be actively engaged
 35 in any other occupation, profession, or business that constitutes a
 36 conflict of interest or otherwise interferes with carrying out their duties
 37 as commissioners.

38 (f) A member of the commission or any person appointed to any
 39 position or employed in any capacity to serve the commission, may not
 40 have any official or professional relationship or connection with, or
 41 hold any stock or securities or have any pecuniary interest in any public
 42 utility operating in Indiana.

43 (g) Each member appointed to the Indiana utility regulatory
 44 commission shall take and subscribe to an oath in writing that he will
 45 faithfully perform the duties of his office, and support and defend to the
 46 best of his ability the Constitution and laws of the state of Indiana and

1 of the United States of America, and such oath shall be filed with the
2 secretary of state.

3 (h) The ~~chairman~~ **chair** of the commission shall assign cases to the
4 various members of the commission or to administrative law judges for
5 hearings.".

6 Renumber all SECTIONS consecutively.
(Reference is to ESB 560 as printed March 15, 2013.)

Representative Riecken