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| WITHDRAWN          | Noes _____          |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

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-2-6-11, AS AMENDED BY P.L.1-2007,
- 4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2012]: Sec. 11. (a) **As used in this section, "administrative**
- 6 **law judge" has the meaning set forth in IC 4-21.5-1-2.**
- 7 (b) As used in this section, "particular matter" means:
- 8 (1) an application;
- 9 (2) a business transaction;
- 10 (3) a claim;
- 11 (4) a contract;
- 12 (5) a determination;
- 13 (6) an enforcement proceeding;
- 14 (7) an investigation;
- 15 (8) a judicial proceeding;
- 16 (9) a lawsuit;
- 17 (10) a license;
- 18 (11) an economic development project; or
- 19 (12) a public works project.
- 20 The term does not include the proposal or consideration of a legislative
- 21 matter or the proposal, consideration, adoption, or implementation of
- 22 a rule or an administrative policy or practice of general application.
- 23 (c) **As used in this section, "ultimate authority" has the meaning**
- 24 **set forth in IC 4-21.5-1-15.**

1           ~~(b)~~ **(d)** This subsection applies only to a person who served as a  
 2 state officer, employee, or special state appointee after January 10,  
 3 2005. A former state officer, employee, or special state appointee may  
 4 not accept employment or receive compensation **before the elapse of**  
 5 **at least three hundred sixty-five (365) days after the date on which**  
 6 **the former state officer, employee, or special state appointee ceases**  
 7 **to be a state officer, employee, or special state appointee, under any**  
 8 **of the following circumstances:**

9           (1) As a lobbyist.

10          (2) From an employer if the former state officer, employee, or  
 11 special state appointee was:

12           (A) engaged in the negotiation or the administration of one (1)  
 13 or more contracts with that employer on behalf of the state or  
 14 an agency; and

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

16           (i) outcome of the negotiation; or

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

18          (3) From an employer if the former state officer, employee, or  
 19 special state appointee ~~made a regulatory or licensing decision~~  
 20 ~~that directly applied to served as:~~

21           **(A) the ultimate authority of;**

22           **(B) a member of a panel that is or was the ultimate**  
 23 **authority of; or**

24           **(C) an administrative law judge employed by;**

25           **an agency that has or had regulatory or licensing authority**  
 26 **over the employer or to a parent or subsidiary of the employer.**

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

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

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

42           (1) employment; or

43           (2) compensation;

44 is given or had been offered for the purpose of influencing the former  
 45 state officer, employee, or special state appointee in the performance  
 46 of his or her duties or responsibilities while a state officer, an

1 employee, or a special state appointee.  
 2 ~~(e)~~ **(g)** A written advisory opinion issued by the commission  
 3 certifying that:  
 4 (1) employment of;  
 5 (2) representation by; or  
 6 (3) assistance from;  
 7 the former state officer, employee, or special state appointee does not  
 8 violate this section is conclusive proof that a former state officer,  
 9 employee, or special state appointee is not in violation of this section.  
 10 ~~(f)~~ **(h)** Subsection ~~(b)~~ **(d)** does not apply to a special state appointee  
 11 who serves only as a member of an advisory body.  
 12 ~~(g)~~ **(i)** An employee's or a special state appointee's state officer or  
 13 appointing authority may waive application of subsection ~~(b)~~ **(d)** or ~~(e)~~  
 14 **(e)** in individual cases when consistent with the public interest.  
 15 Waivers must be in writing and filed with the commission. The  
 16 inspector general may adopt rules under IC 4-22-2 to establish criteria  
 17 for post employment waivers."  
 18 Page 1, line 4, delete "Right to Work" and insert "**Labor**  
 19 **Organization Membership**".  
 20 Page 2, delete lines 41 through 42, begin a new paragraph and  
 21 insert:  
 22 "**Sec. 7. A person may not require an individual to become or**  
 23 **remain a member of a labor organization.**  
 24 **Sec. 8. Nothing in this chapter shall be construed to prohibit**  
 25 **collective bargaining agreements that require the payment of**  
 26 **representation fees.**"  
 27 Delete page 3.  
 28 Page 4, delete lines 1 through 4.  
 29 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1001 as printed January 12, 2012.)