

# 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          (3) "Appointing authority" means **the following:**
- 24           (A) **Except as provided in clause (B),** the chief administrative
- 25           officer of an agency. The term does not include a state officer.
- 26           (B) **For purposes of section 16 of this chapter, "appointing**
- 27           **authority" means:**
- 28           **(i) an elected officer;**
- 29           **(ii) the chief administrative officer of an agency; or**
- 30           **(iii) an individual or group of individuals who have the**

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

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

9 ~~(H)~~ **(12)** "Information of a confidential nature" means  
 10 information:

11 (A) obtained by reason of the position or office held; and

12 (B) which:

13 (i) a public agency is prohibited from disclosing under  
 14 IC 5-14-3-4(a);

15 (ii) a public agency has the discretion not to disclose under  
 16 IC 5-14-3-4(b) and that the agency has not disclosed; or

17 (iii) is not in a public record, but if it were, would be  
 18 confidential.

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

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

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

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

30 **(A) A spouse.**

31 **(B) A parent or stepparent.**

32 **(C) A child or stepchild.**

33 **(D) A brother, sister, stepbrother, or stepsister.**

34 **(E) A niece or nephew.**

35 **(F) An aunt or uncle.**

36 **(G) A daughter-in-law or son-in-law.**

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

41 ~~(L)~~ **(17)** "Represent" means to do any of the following on behalf  
 42 of a person:

43 (A) Attend an agency proceeding.

44 (B) Write a letter.

45 (C) Communicate with an employee of an agency.

46 ~~(M)~~ **(18)** "Special state appointee" means a person who is:

- 1 (A) not a state officer or employee; and  
 2 (B) elected or appointed to an authority, a board, a  
 3 commission, a committee, a council, a task force, or other  
 4 body designated by any name that:  
 5 (i) is authorized by statute or executive order; and  
 6 (ii) functions in a policy or an advisory role in the executive  
 7 (including the administrative) department of state  
 8 government, including a separate body corporate and politic.  
 9 ~~(17)~~ **(19)** "State officer" means any of the following:  
 10 (A) The governor.  
 11 (B) The lieutenant governor.  
 12 (C) The secretary of state.  
 13 (D) The auditor of state.  
 14 (E) The treasurer of state.  
 15 (F) The attorney general.  
 16 (G) The superintendent of public instruction.  
 17 ~~(18)~~ **(20)** The masculine gender includes the masculine and  
 18 feminine.  
 19 ~~(19)~~ **(21)** The singular form of any noun includes the plural  
 20 wherever appropriate.  
 21 (b) The definitions in IC 4-2-7 apply throughout this chapter."  
 22 Page 1, line 1, delete "IC 4-15-7.1" and insert "IC 4-2-6-16".  
 23 Page 1, line 2, delete "CHAPTER" and insert "SECTION".  
 24 Page 1, delete line 4.  
 25 Page 1, line 5, delete "1." and insert "**16. (a)**".  
 26 Page 1, run in lines 3 through 5.  
 27 Page 1, delete lines 7 through 17, begin a new paragraph and insert:  
 28 "**(b) As used in this section, "employed" refers to all**  
 29 **employment, including full-time, part-time, temporary,**  
 30 **intermittent, or hourly. The term includes service as a state officer**  
 31 **or special state appointee."**  
 32 Page 2, delete lines 1 through 23.  
 33 Page 2, line 24, delete "Sec. 8." and insert "**(c)**".  
 34 Page 2, line 26, delete "Sec. 9. (a)" and insert "**(d)**".  
 35 Page 2, line 26, delete "(b)," and insert "**(e),**".  
 36 Page 2, line 29, delete "(b)" and insert "**(e)**".  
 37 Page 2, line 34, delete "Sec. 10." and insert "**(f)**".  
 38 Page 2, line 34, delete "section 9(b) of this chapter," and insert  
 39 "**subsection (e),**".  
 40 Page 2, line 37, delete "Sec. 11." and insert "**(g)**".  
 41 Page 2, line 40, delete "Sec. 12." and insert "**(h)**".  
 42 Page 2, line 42, delete "IC 4-2-6-12" and insert "**section 12 of this**  
 43 **chapter."**  
 44 Renumber all SECTIONS consecutively.  
 (Reference is to EHB 1250 as printed February 10, 2012.)

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Senator TALLIAN