

## HOUSE BILL No. 1223

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-2-7-9; IC 4-15; IC 4-21.5; IC 4-33; IC 5-2-1-12.5; IC 6-1.1-4-31.7; IC 6-1.5; IC 8-1-1; IC 8-2.1; IC 16-19-10-7; IC 16-21-4-2; IC 16-25-5-7; IC 16-27; IC 16-28-10; IC 22-4; IC 22-9-1-6; IC 23-2-5-11; IC 23-19-6-2; IC 36-1-9.5-51; IC 36-8-8-22.

**Synopsis:** Administrative law judges. Establishes the office of administrative proceedings (office) within the state personnel department to hear certain administrative proceedings that result in a finding of fact determining the legal rights, duties, or privileges of a party after an opportunity for an evidentiary hearing. Specifies the administrative proceedings over which the office has jurisdiction. Provides that the office shall have a director who is responsible for administering the office, hiring administrative law judges, and assigning administrative law judges to administrative proceedings. Provides that formal judicial reviews of final agency actions or certain other administrative actions taken by the office are conducted by a circuit court or superior court with appropriate jurisdiction. Makes conforming amendments.

**Effective:** July 1, 2019; January 1, 2020.

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### Steuerwald, Bosma, Borders, DeLaney

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January 10, 2019, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1223

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A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

1        SECTION 1. IC 4-2-7-9, AS ADDED BY P.L.72-2014, SECTION  
2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2019]: Sec. 9. (a) The inspector general shall adopt rules under  
4 IC 4-22-2 establishing a statewide code of judicial conduct for  
5 administrative law judges. The statewide code of judicial conduct for  
6 administrative law judges must apply to every person acting as an  
7 administrative law judge for a state agency, **and, after December 31,**  
8 **2019, an administrative law judge for the office of administrative**  
9 **proceedings.**

10       (b) The inspector general:  
11       (1) shall review 312 IAC 3-1-2.5 and 315 IAC 1-1-2 in adopting  
12 a statewide code of judicial conduct for administrative law judges;  
13 and  
14       (2) may base the statewide code of judicial conduct for  
15 administrative law judges on 312 IAC 3-1-2.5 and 315 IAC 1-1-2.  
16       (c) A state agency may adopt rules under IC 4-22-2 to establish a  
17 supplemental code of judicial conduct for a person acting as an



1 administrative law judge for that agency, if the supplemental code is at  
2 least as restrictive as the statewide code of judicial conduct for  
3 administrative law judges.

4 (d) The inspector general may adopt emergency rules in the manner  
5 provided under IC 4-22-2-37.1 to implement a statewide code of  
6 judicial conduct for administrative law judges.

7 ~~(e) The statewide code of judicial conduct for administrative law  
8 judges shall be enforced under IC 4-21.5. The inspector general is not  
9 responsible for enforcing the statewide code of judicial conduct for  
10 administrative law judges or for investigating a possible violation of the  
11 statewide code.~~

12 SECTION 2. IC 4-15-2.2-15, AS ADDED BY P.L.229-2011,  
13 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2019]: Sec. 15. The director shall do the following:

15 (1) Direct and supervise all administrative and technical activities  
16 of the department.

17 (2) Survey the administrative organization and procedures,  
18 including personnel procedures, of all state agencies, and submit  
19 to the governor measures to do the following among state  
20 agencies:

21 (A) Secure greater efficiency and economy.

22 (B) Minimize the duplication of activities.

23 (C) Effect better organization and procedures.

24 (3) Develop personnel policies, methods, procedures, and  
25 standards for all state agencies.

26 (4) Establish and maintain a roster of all employees in the state  
27 civil service.

28 (5) Prepare, or cause to be prepared, a classification and pay plan  
29 for the state civil service.

30 (6) Administer the classification and pay plan prepared under  
31 subdivision (5).

32 (7) Allocate each position in the state civil service to its proper  
33 class.

34 (8) Approve individuals for appointment to positions in the state  
35 civil service.

36 (9) Approve employees for transfer, demotion, or promotion  
37 within the state civil service.

38 (10) Approve employees for suspension, layoff, or dismissal from  
39 the state civil service.

40 (11) Rate the service of employees.

41 (12) Arrange, in cooperation with the directors of the divisions of  
42 the service, for employee training.



1 (13) Make available employee relations specialists to help  
2 employees:  
3 (A) resolve employment related problems; and  
4 (B) understand the procedures that are available for redress of  
5 grievances that the employee relations specialists do not  
6 resolve.

7 (14) Investigate systems of appointment and promotion in  
8 operation in various departments or divisions of the state  
9 government.

10 (15) Investigate and approve the need for existing and new  
11 positions in the state civil service.

12 (16) Investigate periodically the operation and effectiveness of  
13 this chapter and rules adopted under this chapter.

14 (17) Implement, administer, and enforce this chapter and rules  
15 and policies adopted under this chapter.

16 (18) Appoint employees, experts, and special assistants, as  
17 necessary, to effectively carry out this chapter.

18 (19) Perform any other lawful acts that the director considers  
19 necessary or desirable to carry out this chapter.

20 (20) Perform any other duties imposed by this chapter or assigned  
21 by the governor.

22 (21) **Provide rooms and staff assistance to the office of**  
23 **administrative proceedings established by IC 4-15-10.5-6.**

SECTION 3. IC 4-15-10.5 IS ADDED TO THE INDIANA CODE  
S. A. NEW CHAPTER TO READ AS FOLLOWS: [EFFECTIVE

SECTION 3. IC 4-15-10.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

## Chapter 10.5. Office of Administrative Proceedings

**Sec. 1. This chapter applies when an agency assigns, appoints, or otherwise makes use of an individual to act in the capacity of an administrative law judge to preside over administrative proceedings to review a disputed agency action for the agency. This chapter does not apply to an agency that uses a board or commission to act in the capacity of an administrative law judge to preside over administrative proceedings, and should not be construed as limiting an agency's ability to use its board or commission to act in the capacity of an administrative law judge to preside over administrative proceedings to review a disputed agency action for the agency.**

**Sec. 2. This chapter does not apply to reviews subject to IC 4-21.5-7.**

Sec. 3. As used in this chapter, "administrative law judge" means an individual assigned by the director to preside over an



1        administrative proceeding that results in a finding of fact  
2        determining the legal rights, duties, or privileges of a party after an  
3        opportunity for an evidentiary hearing.

4        **Sec. 4.** As used in this chapter, "director" means the director of  
5        the office of administrative proceedings.

6        **Sec. 5.** As used in this chapter, "office" means the office of  
7        administrative proceedings established by section 6 of this chapter.  
8        The term includes the director.

9        **Sec. 6.** The office of administrative proceedings is established as  
10      a separate department within the state personnel department on  
11      January 1, 2020.

12      **Sec. 7.** The office shall have a director who is responsible for  
13      administering the office. The governor shall appoint the director.

14      **Sec. 8.** The state personnel department shall provide rooms and  
15      staff assistance for the office.

16      **Sec. 9.** The director shall do the following:

17        (1) Hire administrative law judges and other employees as  
18        necessary to carry out the purposes of this chapter.

19        (2) Assign administrative law judges from the office to preside  
20        over administrative proceedings.

21      **Sec. 10.** The office may:

22        (1) enter into contracts or agreements; and

23        (2) adopt rules under IC 4-22-2;

24        necessary to carry out the purposes of this chapter.

25      **Sec. 11.** (a) Except as provided in sections 1, 2, and 12 of this  
26      chapter, the office has jurisdiction over all administrative  
27      proceedings concerning agency administrative actions under:

28        (1) IC 4-21.5; or

29        (2) any other statute that requires or allows the office to take  
30        action.

31        (b) Notwithstanding anything in this chapter or any other  
32        statute to the contrary, the office shall not be considered the  
33        ultimate authority in any administrative proceeding, and a decision  
34        by the office in an administrative proceeding is not a final agency  
35        action.

36      **Sec. 12.** (a) The office may not conduct formal judicial reviews  
37      of:

38        (1) office decisions; or

39        (2) final agency actions or other agency actions subject to  
40        judicial review as provided in:

41        (A) IC 4-21.5-5; or

42        (B) any other statute that provides for judicial review of



1                   **administrative proceedings.**

2                   (b) A circuit court or superior court with appropriate  
 3 jurisdiction shall conduct formal judicial reviews of agency actions,  
 4 including office decisions, as provided in:

5                   (1) IC 4-21.5-5; or

6                   (2) any other statute that provides for judicial review of  
 7 administrative proceedings.

8                   **Sec. 13. (a) When an administrative proceeding that originates  
 9 under:**

10                   (1) IC 4-21.5; or

11                   (2) another statute;

12                   is filed with the office, the director shall assign an administrative  
 13 law judge to hear the action. The director may assign multiple  
 14 administrative law judges to an administrative proceeding.

15                   (b) When assigning an administrative law judge to an  
 16 administrative proceeding, the director shall consider an  
 17 administrative law judge's experience, technical competence, and  
 18 specialized knowledge.

19                   **Sec. 14. (a) The procedures of the office in an administrative  
 20 proceeding are governed by:**

21                   (1) IC 4-21.5; or

22                   (2) if IC 4-21.5 does not apply, any other statute that governs  
 23 an agency's administrative proceedings.

24                   (b) The office shall render its decisions in writing.

25                   **Sec. 15. A:**

26                   (1) decision of the office that is not a judgment:

27                   (A) subject to; or

28                   (B) following;

29                   a judicial review may be initially appealed to the office; and

30                   (2) judgment or other decision of the office that is subject to  
 31 judicial review may be challenged by bringing an action in a  
 32 circuit court or superior court that has jurisdiction.

33                   **Sec. 16. An administrative law judge employed by the office  
 34 must be:**

35                   (1) a citizen of Indiana; and

36                   (2) an attorney in good standing admitted to the practice of  
 37 law in Indiana.

38                   SECTION 4. IC 4-21.5-1-2 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. "Administrative law  
 40 judge" refers to:

41                   **(1) before January 1, 2020**, an individual or panel of individuals  
 42 acting in the capacity of an administrative law judge in a



1 proceeding; and  
2

3 (2) after December 31, 2019:

4 (A) an administrative law judge assigned to preside over a  
5 proceeding by the director of the office of administrative  
proceedings; or

6 (B) a board or commission acting in the capacity of an  
7 administrative law judge to preside over a proceeding for  
8 the agency.

9 SECTION 5. IC 4-21.5-1-8.5 IS ADDED TO THE INDIANA  
10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2019]: Sec. 8.5. "Office of administrative  
12 proceedings" refers to the office of administrative proceedings  
13 established by IC 4-15-10.5-6. The term includes an administrative  
14 law judge or administrative law judges assigned to a proceeding by  
15 the office of administrative proceedings.

16 SECTION 6. IC 4-21.5-3-7, AS AMENDED BY P.L.6-2012,  
17 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2019]: Sec. 7. (a) To qualify for review of a personnel action  
19 to which IC 4-15-2.2 applies, a person must comply with  
20 IC 4-15-2.2-42. To qualify for review of any other order described in  
21 section 4, 5, or 6 of this chapter, a person must petition for review in a  
22 writing that does the following:

23 (1) States facts demonstrating that:

24 (A) the petitioner is a person to whom the order is specifically  
25 directed;

26 (B) the petitioner is aggrieved or adversely affected by the  
27 order; or

28 (C) the petitioner is entitled to review under any law.

29 (2) Includes, with respect to determinations of notice of program  
30 reimbursement and audit findings described in section 6(a)(3) and  
31 6(a)(4) of this chapter, a statement of issues that includes:

32 (A) the specific findings, action, or determination of the office  
33 of Medicaid policy and planning or of a contractor of the  
34 office of Medicaid policy and planning from which the  
35 provider is appealing;

36 (B) the reason the provider believes that the finding, action, or  
37 determination of the office of Medicaid policy and planning or  
38 of a contractor of the office of Medicaid policy and planning  
39 was in error; and

40 (C) with respect to each finding, action, or determination of  
41 the office of Medicaid policy and planning or of a contractor  
42 of the office of Medicaid policy and planning, the statutes or



1                   rules that support the provider's contentions of error.

2                   Not more than thirty (30) days after filing a petition for review  
3                   under this section, and upon a finding of good cause by the  
4                   administrative law judge, a person may amend the statement of  
5                   issues contained in a petition for review to add one (1) or more  
6                   additional issues.

7                   (3) Is filed:

8                   (A) with respect to an order described in section 4, 5, 6(a)(1),  
9                   6(a)(2), or 6(a)(5) of this chapter, with the ultimate authority  
10                   for the agency issuing the order within fifteen (15) days after  
11                   the person is given notice of the order or any longer period set  
12                   by statute; or  
13                   (B) with respect to a determination described in section 6(a)(3)  
14                   or 6(a)(4) of this chapter, with the office of Medicaid policy  
15                   and planning not more than one hundred eighty (180) days  
16                   after the hospital is provided notice of the determination.

17                   The issuance of an amended notice of program reimbursement by  
18                   the office of Medicaid policy and planning does not extend the  
19                   time within which a hospital must file a petition for review from  
20                   the original notice of program reimbursement under clause (B),  
21                   except for matters that are the subject of the amended notice of  
22                   program reimbursement.

23                   If the petition for review is denied, the petition shall be treated as a  
24                   petition for intervention in any review initiated under subsection (d).

25                   (b) If an agency denies a petition for review under subsection (a)  
26                   and the petitioner is not allowed to intervene as a party in a proceeding  
27                   resulting from the grant of the petition for review of another person, the  
28                   agency shall serve a written notice on the petitioner that includes the  
29                   following:

30                   (1) A statement that the petition for review is denied.  
31                   (2) A brief explanation of the available procedures and the time  
32                   limit for seeking administrative review of the denial under  
33                   subsection (c).

34                   (c) **Before January 1, 2020**, an agency shall assign an  
35                   administrative law judge, **and after December 31, 2019, an agency**  
36                   **shall request assignment of an administrative law judge by the**  
37                   **office of administrative proceedings**, to conduct a preliminary  
38                   hearing on the issue of whether a person is qualified under subsection  
39                   (a) to obtain review of an order when a person requests reconsideration  
40                   of the denial of review in a writing that:

41                   (1) states facts demonstrating that the person filed a petition for  
42                   review of an order described in section 4, 5, or 6 of this chapter;



- (2) states facts demonstrating that the person was denied review without an evidentiary hearing; and
- (3) is filed with the ultimate authority for the agency denying the review within fifteen (15) days after the notice required by subsection (b) was served on the petitioner.

Notice of the preliminary hearing shall be given to the parties, each person who has a pending petition for intervention in the proceeding, and any other person described by section 5(d) of this chapter. The resulting order must be served on the persons to whom notice of the preliminary hearing must be given and include a statement of the facts and law on which it is based.

(d) If a petition for review is granted, the petitioner becomes a party to the proceeding and:

**(1) before January 1, 2020, the agency shall assign the matter to an administrative law judge or, after December 31, 2019, request assignment of an administrative law judge by the office of administrative proceedings; or**

(2) certify the matter to another agency for the assignment of an administrative law judge (if a statute transfers responsibility for a hearing on the matter to another agency).

The agency granting the administrative review or the agency to which the matter is transferred may conduct informal proceedings to settle the matter to the extent allowed by law.

SECTION 7. IC 4-21.5-3-8.5, AS ADDED BY P.L.72-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8.5. (a) An agency may share an administrative law judge with another agency:

- (1) to avoid bias, prejudice, interest in the outcome, or another conflict of interest;
- (2) if a party requests a change of administrative law judge;
- (3) to ease scheduling difficulties; or
- (4) for another good cause.

An agency may adopt rules under IC 4-22-2 to implement this subsection.

(b) To the extent practicable, an administrative law judge must have expertise in the area of law being adjudicated.

(c) An agency shall post on the agency's Internet web site the:

- (1) name;
- (2) salary and other remuneration; and
- (3) relevant professional experience;

of every person who serves as an administrative law judge for the agency.



**(d) This section expires January 1, 2020.**

SECTION 8. IC 4-21.5-3-9, AS AMENDED BY P.L.72-2014, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) Except to the extent that a statute other than this article limits an agency's discretion to select an administrative law judge, the ultimate authority for an agency may:

- (1) act as an administrative law judge;
- (2) designate one (1) or more members of the ultimate authority (if the ultimate authority is a panel of individuals) to act as an administrative law judge; or
- (3) **before January 1, 2020**, designate one (1) or more:
  - (A) attorneys licensed to practice law in Indiana; or
  - (B) persons who served as administrative law judges for a state agency before January 1, 2014;

**to act as an administrative law judge. After December 31, 2019, the ultimate authority for an agency may request assignment of an administrative law judge by the office of administrative proceedings.**

A person designated under subdivision (3) is not required to be an employee of the agency. A designation under subdivision (2) or (3) may be made in advance of the commencement of any particular proceeding for a generally described class of proceedings or may be made for a particular proceeding. A general designation may provide procedures for the assignment of designated individuals to particular proceedings.

(b) An agency may not knowingly assign an individual to serve alone or with others as an administrative law judge who is subject to disqualification under this chapter.

(c) If the **administrative law judge assigned to the proceeding** believes that the judge's impartiality might reasonably be questioned, or believes that the judge's personal bias, prejudice, or knowledge of a disputed evidentiary fact might influence the decision, ~~an individual assigned to serve alone or with others as an~~ the administrative law judge shall:

- (1) withdraw as the administrative law judge; or
- (2) inform the parties of the potential basis for disqualification, place a brief statement of this basis on the record of the proceeding, and allow the parties an opportunity to petition for disqualification under subsection (d).

(d) Any party to a proceeding may petition for the disqualification of an individual serving alone or with others as an administrative law judge upon discovering facts establishing grounds for disqualification



1 under this chapter. The administrative law judge assigned to the  
 2 proceeding shall determine whether to grant the petition, stating facts  
 3 and reasons for the determination.

4 (e) If the administrative law judge ruling on the disqualification  
 5 issue is not the ultimate authority for the agency, the party petitioning  
 6 for disqualification may petition the ultimate authority in writing for  
 7 review of the ruling within ten (10) days after notice of the ruling is  
 8 served. The ultimate authority shall conduct proceedings described by  
 9 section 28 of this chapter to review the petition and affirm, modify, or  
 10 dissolve the ruling within thirty (30) days after the petition is filed. A  
 11 determination by the ultimate authority under this subsection is a final  
 12 order subject to judicial review under IC 4-21.5-5.

13 (e) (f) If a substitute is required for an administrative law judge who  
 14 is disqualified or becomes unavailable for any other reason, the  
 15 substitute must be appointed in accordance with subsection (a).

16 (f) (g) Any action taken by a duly appointed substitute for a  
 17 disqualified or unavailable administrative law judge is as effective as  
 18 if taken by the latter.

19 (g) (h) If there is a reasonable likelihood that the ultimate authority  
 20 will be called upon to:

21 (1) review; or

22 (2) issue a final order with respect to;

23 a matter pending before or adjudicated by an administrative law judge,  
 24 the provisions of section 11 of this chapter that apply to an  
 25 administrative law judge or to a person communicating with an  
 26 administrative law judge apply to a member of the ultimate authority  
 27 and to a person communicating with a member of the ultimate  
 28 authority.

29 SECTION 9. IC 4-21.5-3-10, AS AMENDED BY P.L.32-2011,  
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2019]: Sec. 10. (a) ~~Any individual serving or designated to~~  
 32 ~~serve alone or with others as~~ An administrative law judge is subject to  
 33 disqualification for:

34 (1) bias, prejudice, or interest in the outcome of a proceeding;  
 35 (2) failure to dispose of the subject of a proceeding in an orderly  
 36 and reasonably prompt manner after a written request by a party;  
 37 (3) unless waived or extended with the written consent of all  
 38 parties or for good cause shown, failure to issue an order not later  
 39 than ninety (90) days after the latest of:

40 (A) the filing of a motion to dismiss or a motion for summary  
 41 judgment under section 23 of this chapter that is filed after  
 42 June 30, 2011;



(B) the conclusion of a hearing that begins after June 30, 2011;  
or

(C) the completion of any schedule set for briefing or for submittal of proposed findings of fact and conclusions of law for a disposition under clauses (A) or (B); or

(4) any cause for which a judge of a court may be disqualified.

**Before January 1, 2020**, nothing in this subsection prohibits an individual who is an employee of an agency from serving as an administrative law judge.

(1) IC 4-21.5-7-6, if the case is pending in the office of environmental adjudication.

(2) IC 14-10-2-2, if the case is pending before the division of hearings of the natural resources commission; or

(3) **subject to subsection (d)**, any other statute or rule governing qualification to serve an agency other than those described in subdivision (1) or (2).

25        Subject to subsection (c), the parties may agree to the selection of one  
26        (1) individual from the list.

(c) If the parties do not agree to the selection of an individual as provided in subsection (b) not later than ten (10) days after the parties are provided a list of judges under subsection (b), a special administrative law judge who meets the requirements of subsection (b) shall be selected under the procedure set forth in Trial Rule 79(D), 79(E), or 79(F).

(d) This subsection applies after December 31, 2019. If an administrative law judge is disqualified under this section, the director of the office of administrative proceedings shall assign another administrative law judge.

37 SECTION 10. IC 4-21.5-3-13 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) An individual  
39 who has served as investigator, prosecutor, or advocate in a proceeding  
40 or in its preadjudicative stage may not serve as an administrative law  
41 judge or assist or advise the administrative law judge in the same  
42 proceeding.



(b) An individual who is subject to the authority, direction, or discretion of an individual who has served as investigator, prosecutor, or advocate in a proceeding or in its preadjudicative stage may not serve as an administrative law judge or assist or advise the administrative law judge in the same proceeding.

6 (c) An individual who has made a determination of probable cause  
7 or other equivalent preliminary determination in a proceeding may  
8 serve as an administrative law judge or assist or advise the  
9 administrative law judge in the same proceeding, unless a party  
10 demonstrates grounds for disqualification under section 10 of this  
11 chapter. **This subsection expires January 1, 2020.**

19 SECTION 11. IC 4-21.5-3.5-21 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21. (a) If the parties do  
21 not reach an agreement on any matter as a result of mediation, the  
22 mediator shall report the lack of an agreement without comment or  
23 recommendation to the administrative law judge assigned to the  
24 proceeding. With the consent of the parties, the mediator's report may  
25 also identify any pending motions or outstanding legal issues,  
26 discovery process, or other action by any party that, if resolved or  
27 completed, would facilitate the possibility of a settlement.

28 (b) An agreement as a result of mediation must be in writing and  
29 signed by the parties. The agreement must be filed with the  
30 administrative law judge assigned to the proceeding. If the agreement  
31 is complete on all issues, it must be accompanied by a joint stipulation  
32 of disposition. Upon approval of a joint stipulation of disposition by the  
33 administrative law judge, it has the same force and effect as an agreed  
34 order approved by ~~an~~ the administrative law judge. ~~from the agency~~  
35 ~~involved~~

36 (c) An approved joint stipulation of disposition under this chapter  
37 is considered a contract between the parties.

38 SECTION 12. IC 4-33-3-23 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 23. (a) A commission  
40 member, **or before January 1, 2020**, an administrative law judge  
41 appointed by the commission, **or, after December 31, 2019, an**  
42 **administrative law judge assigned by the office of administrative**



1       **proceedings**, may do the following:

2               (1) Conduct a hearing authorized under this article.

3               (2) Recommend findings of fact and decisions to the commission.

4               (b) The commission member or administrative law judge conducting  
5               a hearing has all the powers and rights granted to the commission. A  
6               hearing under this article shall be conducted under IC 4-21.5.

7               (c) When conducting a public hearing, the commission shall not  
8               limit the number of speakers who may testify. However, the  
9               commission may set reasonable time limits on the length of an  
10               individual's testimony or the total amount of time allotted to proponents  
11               and opponents of an issue before the commission.

12       SECTION 13. IC 4-33-19-4, AS ADDED BY P.L.227-2007,  
13       SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14       JANUARY 1, 2020]: Sec. 4. The commission shall hire ~~an~~  
15       **administrative law judge**, attorneys and other personnel necessary to  
16       carry out the division's duties under this chapter.

17       SECTION 14. IC 4-33-19-8, AS ADDED BY P.L.227-2007,  
18       SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19       JULY 1, 2019]: Sec. 8. (a) A memorandum of understanding required  
20       by section 7 of this chapter must describe the responsibilities of each  
21       participating agency in coordinating the agencies' administrative  
22       enforcement actions with respect to suspected violations of  
23       IC 35-45-5-3, IC 35-45-5-3.5, and IC 35-45-5-4.

24       (b) Each party to the memorandum of understanding required by  
25       section 7 of this chapter must agree to permit the license revocation  
26       actions subject to this chapter to be heard, **before January 1, 2020**, by  
27       an administrative law judge employed by the division, **and after**  
28       **December 31, 2019, an administrative law judge assigned by the**  
29       **office of administrative proceedings**.

30       (c) A memorandum of understanding required by section 7 of this  
31       chapter must set forth the administrative procedures applicable to each  
32       revocation action conducted under this chapter.

33       SECTION 15. IC 4-33-22-48, AS ADDED BY P.L.113-2010,  
34       SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35       JULY 1, 2019]: Sec. 48. A licensee who has been subjected to  
36       disciplinary sanctions may be required by the commission to pay the  
37       costs of the proceeding. The licensee's ability to pay shall be  
38       considered when costs are assessed. If the licensee fails to pay the  
39       costs, a suspension may not be imposed solely upon the licensee's  
40       inability to pay the amount assessed. These costs are limited to costs  
41       for the following:

42               (1) Court reporters.



(2) Transcripts.  
(3) Certification of documents.  
(4) Photo duplication.  
(5) Witness attendance and mileage fees.  
(6) Postage.  
(7) Expert witnesses.  
(8) Depositions.  
(9) Notarizations.

**(10) Before January 1, 2020**, administrative law judges.

SECTION 16. IC 5-2-1-12.5, AS ADDED BY P.L.52-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12.5. (a) The board may revoke a diploma, certificate, badge, or other document showing compliance and qualification issued by the board for any of the following reasons:

(1) The officer has been convicted of:  
(A) a felony; or  
(B) two (2) or more misdemeanors that would cause a reasonable person to believe that the officer is potentially dangerous or violent or has a propensity to violate the law.  
(2) The officer has been found not guilty of a felony by reason of mental disease or defect.  
(3) The officer's diploma, certificate, badge, or other document showing compliance and qualification was issued in error or was issued on the basis of information later determined to be false.  
(b) A person who knows of cause for the revocation of an officer's diploma, certificate, badge, or other document showing compliance and qualification shall inform the officer's hiring or appointing authority or the board. A person who makes a good faith report of cause for revocation of an officer's diploma, certificate, badge, or other document showing compliance and qualification is immune from civil liability.  
(c) If the chief executive officer receives a report of cause for revocation concerning an officer within the chief executive officer's agency, the chief executive officer shall:  
(1) cause the internal affairs division (or a similar unit) of the agency to investigate the report without unnecessary delay; or  
(2) request that the investigation be conducted by a law enforcement agency other than the law enforcement agency to which the subject of the investigation belongs.  
(d) If a hiring or appointing authority receives a report of cause for revocation concerning the chief executive officer, the hiring or appointing authority shall cause an appropriate investigative agency to investigate without unnecessary delay.



16 (g) Except as provided in subsection (h), if the board receives the  
17 results of an investigation described in subsection (f), the board shall  
18 conduct a hearing on the report, considering the report, the  
19 recommendations, and any additional information. The board shall  
20 provide the officer who is the subject of the report with notice and an  
21 opportunity to be heard. The board may appoint the executive director  
22 or another qualified person to present the report and the results of the  
23 investigation to the board. In determining whether to revoke the subject  
24 officer's diploma, certificate, badge, or other document showing  
25 compliance and qualification, the board shall consider the opinion and  
26 testimony of the hiring or appointing authority. If the board determines  
27 that cause for revocation exists, the board may revoke the subject  
28 officer's diploma, certificate, badge, or other document showing  
29 compliance and qualification. The board shall send notice of revocation  
30 by certified mail to the subject officer's hiring or appointing authority.  
31 The subject officer may pursue judicial review of the board's action  
32 under IC 4-21.5-5-13.

33 (h) When the board receives the results of an investigation described  
34 in subsection (f), the board may, instead of conducting a hearing under  
35 subsection (g):



1 law judge determines that cause for revocation exists, the  
2 administrative law judge shall revoke the subject officer's diploma,  
3 certificate, badge, or other document showing compliance and  
4 qualification and notify the subject officer by certified mail of the  
5 decision, with notice of the subject officer's right to appeal to the board  
6 not later than fifteen (15) days after receipt of the notice. An appeal to  
7 the board must be in writing and may be decided by the board without  
8 a hearing. The board shall notify the subject officer of the board's  
9 appellate decision under this subsection by certified mail. The subject  
10 officer may pursue judicial review of the board's action under  
11 IC 4-21.5-5-13.

12 (i) An officer whose diploma, certificate, badge, or other document  
13 showing compliance and qualification has been revoked may apply to  
14 the board for reinstatement. The application for reinstatement:

15 (1) must be in writing; and  
16 (2) must show:

17 (A) that the cause for revocation no longer exists legally; or  
18 (B) that reinstatement is otherwise appropriate and that the  
19 applicant poses no danger to the public and can perform as a  
20 law enforcement officer according to the board's standards.

21 The board may direct the executive director to investigate the  
22 application for reinstatement and make a report to the board. The board  
23 shall consider the application and notify the applicant by certified mail  
24 of the board's decision.

25 SECTION 17. IC 6-1.1-4-31.7, AS AMENDED BY P.L.146-2008,  
26 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2019]: Sec. 31.7. (a) As used in this section, "special master"  
28 refers to a person designated by the Indiana board under subsection (e).

29 (b) The notice of assessment or reassessment under section 31.5(g)  
30 of this chapter is subject to appeal by the taxpayer to the Indiana board.  
31 The procedures and time limitations that apply to an appeal to the  
32 Indiana board of a determination of the department of local government  
33 finance do not apply to an appeal under this subsection. The Indiana  
34 board may establish applicable procedures and time limitations under  
35 subsection (l).

36 (c) In order to appeal under subsection (b), the taxpayer must:  
37 (1) participate in the informal hearing process under section 31.6  
38 of this chapter;  
39 (2) except as provided in section 31.6(i) of this chapter, receive  
40 a notice under section 31.6(g) of this chapter; and  
41 (3) file a petition for review with the appropriate county assessor  
42 not later than thirty (30) days after:



(A) the date of the notice to the taxpayer under section 31.6(g) of this chapter; or

(B) the date after which the department may not change the amount of the assessment or reassessment under the informal hearing process described in section 31.6 of this chapter.

(d) The Indiana board may develop a form for petitions under subsection (c) that outlines:

- (1) the appeal process;
- (2) the burden of proof; and

(3) evidence necessary to warrant a change to an assessment or reassessment.

(e) The Indiana board may contract with, appoint, or otherwise designate the following to serve as special masters to conduct evidentiary hearings and prepare reports required under subsection (g):

### (1) Independent, licensed appraisers.

(2) Attorneys.

(3) Certified level two or level three Indiana assessor-appraisers. (including, **before January 1, 2020**, administrative law judges employed by the Indiana board).

(4) Other qualified individuals.

(f) Each contract entered into under subsection (e) must specify the appointee's compensation and entitlement to reimbursement for expenses. The compensation and reimbursement for expenses are paid from the county property reassessment fund.

(g) With respect to each petition for review filed under subsection (c), the special masters shall:

(1) set a hearing date;

(2) give notice of the hearing at least thirty (30) days before the hearing date, by mail, to:

(A) the taxpayer;

(B) the department of local government

(C) the township assesse

(D) the county assessor;

(3) conduct a hearing and hear all evidence submitted under this

section; and  
(4) make evidentiary findings and file a report with the Indiana

board.

h) At the hearing under subsection

) the taxpayer shall present:  
(A) the taxpayer's evidence that the assessment or

reassessment is incorrect;  
(B) the method by which the taxpayer contends the assessment



1 or reassessment should be correctly determined; and  
2 (C) comparable sales, appraisals, or other pertinent  
3 information concerning valuation as required by the Indiana  
4 board; and  
5 (2) the department of local government finance shall present its  
6 evidence that the assessment or reassessment is correct.  
7 (i) The Indiana board may dismiss a petition for review filed under  
8 subsection (c) if the evidence and other information required under  
9 subsection (h)(1) is not provided at the hearing under subsection (g).  
10 (j) The township assessor (if any) and the county assessor may  
11 attend and participate in the hearing under subsection (g).  
12 (k) The Indiana board may:  
13 (1) consider the report of the special masters under subsection  
14 (g)(4);  
15 (2) make a final determination based on the findings of the special  
16 masters without:  
17 (A) conducting a hearing; or  
18 (B) any further proceedings; and  
19 (3) incorporate the findings of the special masters into the board's  
20 findings in resolution of the appeal.  
21 (l) The Indiana board may adopt rules under IC 4-22-2-37.1 to:  
22 (1) establish procedures to expedite:  
23 (A) the conduct of hearings under subsection (g); and  
24 (B) the issuance of determinations of appeals under subsection  
25 (k); and  
26 (2) establish deadlines:  
27 (A) for conducting hearings under subsection (g); and  
28 (B) for issuing determinations of appeals under subsection (k).  
29 (m) A determination by the Indiana board of an appeal under  
30 subsection (k) is subject to appeal to the tax court under IC 6-1.1-15.  
31 SECTION 18. IC 6-1.5-3-3 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) **Before January**  
33 **1, 2020**, the Indiana board may, by written order, appoint  
34 administrative law judges. **After December 31, 2019, the Indiana**  
35 **board may request assignment of an administrative law judge by**  
36 **the office of administrative proceedings established by**  
37 **IC 4-15-10.5-6.**  
38 (b) **Before January 1, 2020**, an administrative law judge appointed  
39 under subsection (a), and after December 31, 2019, an  
40 administrative law judge assigned by the office of administrative  
41 proceedings established by IC 4-15-10.5-6 may conduct any hearing  
42 that the Indiana board is required by law to hold. **Before January 1,**



1       **2020**, in the written order by which the Indiana board appoints an  
 2        administrative law judge, the board shall prescribe the duties of the  
 3        position. The Indiana board may have different administrative law  
 4        judges simultaneously conduct numerous hearings.

5        SECTION 19. IC 6-1.5-4-2, AS ADDED BY P.L.154-2006,  
 6        SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7        JULY 1, 2019]: Sec. 2. In order to obtain information that is necessary  
 8        to the Indiana board's conduct of a necessary or proper inquiry, the  
 9        Indiana board, **or before January 1, 2020**, a board administrative law  
 10       judge, **or, after December 31, 2019, an administrative law judge  
 11       assigned by the office of administrative proceedings established by  
 12       IC 4-15-10.5-6**, may:

13       (1) subpoena and examine witnesses;  
 14       (2) administer oaths; and  
 15       (3) subpoena and examine books or papers that are in the hands  
 16       of any person.

17       SECTION 20. IC 6-1.5-5-9 IS AMENDED TO READ AS  
 18       FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. In order to obtain  
 19       information that is necessary to the Indiana board's conduct of a  
 20       necessary or proper inquiry, the Indiana board, **or before January 1,  
 21       2020**, a board administrative law judge, **or, after December 31, 2019,  
 22       an administrative law judge assigned by the office of  
 23       administrative proceedings established by IC 4-15-10.5-6**, may:

24       (1) subpoena and examine witnesses;  
 25       (2) administer oaths; and  
 26       (3) subpoena and examine books or papers that are in the hands  
 27       of any person.

28       SECTION 21. IC 8-1-1-2, AS AMENDED BY P.L.136-2018,  
 29       SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30       JULY 1, 2019]: Sec. 2. (a) There is created the Indiana utility  
 31       regulatory commission which shall consist of five (5) members, at least  
 32       one (1) of whom shall be an attorney qualified to practice law before  
 33       the supreme court of Indiana and not more than three (3) of whom  
 34       belong to the same political party.

35       (b) The members of the commission and all vacancies occurring on  
 36       the commission shall be appointed by the governor from among  
 37       persons nominated by the nominating committee in accordance with  
 38       IC 8-1-1.5.

39       (c) The members may be removed at any time by the governor for  
 40       cause.

41       (d) The governor shall appoint one (1) member as chairman.  
 42       (e) The members of the commission shall be appointed for a term of



1       four (4) years, except when a member is appointed to fill a vacancy, in  
 2       which case such appointment shall be for such unexpired term only. All  
 3       members of said commission shall serve as such until their successors  
 4       are duly appointed and qualified, and while so serving shall devote full  
 5       time to the duties of the commission and shall not be actively engaged  
 6       in any other occupation, profession, or business that constitutes a  
 7       conflict of interest or otherwise interferes with carrying out their duties  
 8       as commissioners.

9       (f) A member of the commission or any person appointed to any  
 10      position or employed in any capacity to serve the commission, may not  
 11      have any official or professional relationship or connection with, or  
 12      hold any stock or securities or have any pecuniary interest in any public  
 13      utility operating in Indiana.

14       (g) Each member appointed to the Indiana utility regulatory  
 15      commission shall take and subscribe to an oath in writing that the  
 16      member will faithfully perform the duties of the member's office, and  
 17      support and defend to the best of the member's ability the Constitution  
 18      and laws of the state of Indiana and of the United States of America,  
 19      and such oath shall be filed with the secretary of state.

20       (h) The chairman of the commission shall:

21           (1) assign cases to the various members of the commission; **or**  
 22           **(2) before January 1, 2020, assign cases to administrative law**  
 23           **judges; or**  
 24           **(3) after December 31, 2019, request assignment of cases to an**  
 25           **administrative law judge by the office of administrative**  
 26           **proceedings established by IC 4-15-10.5-6;**  
 27           for hearings.

28       SECTION 22. IC 8-1-1-3, AS AMENDED BY P.L.136-2018,  
 29       SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30       JULY 1, 2019]: Sec. 3. (a) The members of the commission shall meet  
 31       and organize the commission. The commission may, subject to the  
 32       approval of the governor, appoint a secretary of the commission.

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

37           (1) For the chairman, sixty-five thousand dollars (\$65,000).  
 38           (2) For the members, sixty thousand dollars (\$60,000) each.

39       (c) **This subsection applies before January 1, 2020.** The  
 40       commission may appoint one (1) or more administrative law judges  
 41       who shall be responsible to and serve at the will and pleasure of the  
 42       commission. While serving, the administrative law judges shall devote



1 full time to the duties of the commission and shall not be actively  
 2 engaged in any other occupation, profession, or business that  
 3 constitutes a conflict of interest or otherwise interferes with carrying  
 4 out their duties as administrative law judges. The salary of each  
 5 administrative law judge shall be fixed by the commission subject to  
 6 the approval of the budget agency but may not be less than the  
 7 following annual amounts:

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

10 (2) For all other administrative law judges, forty thousand dollars  
 11 (\$40,000).

12 (d) A majority of the commission members shall constitute a  
 13 quorum.

14 (e) On order of the commission any one (1) member of the  
 15 commission, or an administrative law judge, may conduct a hearing or  
 16 an investigation, and take evidence in the hearing or investigation, and  
 17 report on the hearing or investigation to the commission for the  
 18 commission's consideration and action; however, a hearing concerning  
 19 a request for a general increase in the basic rates and charges of a  
 20 utility in an amount exceeding twenty million dollars (\$20,000,000)  
 21 may only be conducted by one (1) or more commission members.

22 (f) Each member of the commission shall give bond in the sum of  
 23 ten thousand dollars (\$10,000) for the faithful performance of the  
 24 member's duties. Such bond shall be filed with the secretary of state.

25 (g) The commission shall formulate rules necessary or appropriate  
 26 to carry out this chapter, and shall perform the duties imposed by law  
 27 upon it.

28 (h) The commission may:

29 (1) employ, with the approval of the governor and the state budget  
 30 agency, sufficient professional staff, including specialists,  
 31 technicians, and analysts, who are exempt from the job  
 32 classifications and compensation schedules established under  
 33 IC 4-15; and

34 (2) purchase, lease, or otherwise acquire for the commission's  
 35 internal use sufficient technical equipment necessary for the  
 36 commission to carry out its statutory duties.

37 SECTION 23. IC 8-1-1-11 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 11. The  
 39 commission is authorized to employ such counsel or attorneys,  
 40 engineers, ~~administrative law judges~~, experts, clerks, accountants and  
 41 other assistants as it may deem necessary, at such rates of  
 42 compensation as it may determine upon, subject, however, to the



1 approval of the governor.

2 SECTION 24. IC 8-2.1-22-5 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The department,  
 4 any member of the department or any authorized representative of the  
 5 department, may compel the attendance of witnesses, swear witnesses,  
 6 take their testimony under oath, make record of the testimony, and after  
 7 the record is made under the direction of a department, administrative  
 8 law judge (before January 1, 2020), **administrative law judge**  
 9 **assigned by the office of administrative proceedings established by**  
 10 **IC 4-15-10.5-6 (after December 31, 2019)**, or authorized  
 11 representative of the department or the department may upon the record  
 12 make an appropriate order.

13 (b) The department may hear all petitions, applications, or motions  
 14 filed with the department. Hearings may be conducted:

15 (1) by the department;  
 16 (2) by any member of the department; **or**  
 17 (3) **before January 1, 2020**, by any administrative law judge  
 18 authorized by the department; **or**  
 19 (4) **after December 31, 2019**, by an **administrative law judge**  
 20 **assigned by the office of administrative proceedings**  
 21 **established by IC 4-15-10.5-6**.

22 In case the hearing is conducted by an administrative law judge, the  
 23 administrative law judge must promptly, but not later than thirty (30)  
 24 days after the conclusion of the hearing, unless the time is extended by  
 25 order of the department:

26 (1) report to the department the facts established by the evidence;  
 27 and  
 28 (2) submit a suggested order, showing the findings and a decision  
 29 in the order, to the department.

30 (c) Orders recommended by an administrative law judge must be  
 31 held for not less than ten (10) days during which time interested parties  
 32 may file written exceptions to the orders. In case no exceptions are  
 33 filed, the finding of facts and decision in form of order suggested by the  
 34 administrative law judge constitute the order of the department, unless  
 35 the department directs otherwise.

36 SECTION 25. IC 8-2.1-22-9 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 9. The department  
 38 may do and perform all reasonably necessary things to carry out the  
 39 purposes of this chapter, whether specifically mentioned in this chapter  
 40 or not, including the power, subject to the approval of the governor, to  
 41 employ and fix the compensation of **administrative law judges**,  
 42 investigators, clerks, and other employees as are necessary for the



1 effective administration of this chapter.

2 SECTION 26. IC 8-2.1-22-29, AS AMENDED BY P.L.176-2006,  
3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2019]: Sec. 29. (a) A person may not operate any motor  
5 vehicle over the public highways for hire, unless the operations are  
6 specifically exempt under this chapter, without first having obtained  
7 appropriate operating authority from the department to do so, and  
8 having otherwise complied with all other applicable provisions of this  
9 chapter.

10 (b) The department or the state police department may apply to an  
11 administrative law judge of the department (**before January 1, 2020**),  
12 **administrative law judge assigned by the office of administrative**  
13 **proceedings established by IC 4-15-10.5-6 (after December 31,**  
14 **2019)**, or a court with jurisdiction for an order to impound a motor  
15 vehicle that is offered by a motor carrier to the general public for the  
16 transportation of passengers for hire if:

17 (1) the motor carrier has not obtained the required authority from  
18 the department to operate the motor vehicle for hire; and

19 (2) there is probable cause to believe that the motor vehicle has  
20 been operated on an Indiana highway to transport passengers for  
21 hire.

22 A hearing on an application to impound a motor vehicle under this  
23 subsection may not be held sooner than three (3) days after the date on  
24 which a notice of hearing on the application is served on the motor  
25 carrier. The motor carrier may contest the application to impound the  
26 motor vehicle at the hearing.

27 (c) A motor carrier that operated a motor vehicle impounded under  
28 this section may not obtain possession of the impounded motor vehicle  
29 unless the motor carrier obtains the required authority to operate the  
30 motor vehicle for hire.

31 SECTION 27. IC 8-2.1-24-9 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) The department  
33 may hear all petitions or motions filed with the department. The  
34 hearings may be conducted by the department, a member of the  
35 department, **or an administrative law judge (**before January 1, 2020**),**  
36 **or an administrative law judge assigned by the office of**  
37 **administrative proceedings established by IC 4-15-10.5-6 (after**  
38 **December 31, 2019)**. The hearings shall be conducted in accordance  
39 with rules adopted by the department under IC 4-22-2.

40 (b) An administrative law judge shall promptly report to the  
41 department the facts established by evidence and submit a suggested  
42 order, showing the findings and a decision to the department.



7 SECTION 28. IC 8-2.1-24-14 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 14. The  
9 department may perform all reasonably necessary actions to carry out  
10 this chapter, including the power, subject to:

14 to employ and fix the compensation of administrative law judges,  
15 investigators, clerks, and other employees as necessary or advisable for  
16 the effective administration of this chapter.

17 SECTION 29. IC 16-19-10-7 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) This section does  
19 not apply to medical or epidemiological information protected from  
20 disclosure under IC 16-41-8-1 or data or information that is  
21 confidential under IC 16-21-6-7 or IC 16-39-5-3.

22 (b) Except as provided in subsection (c), medical or epidemiological  
23 information:

24 (1) collected from or volunteered by a person; and  
25 (2) that results in or from:  
26 (A) a public health surveillance;  
27 (B) a public health investigation; or  
28 (C) an epidemiological investigation or study;

29 may be released only in a form that protects the identity of a person  
30 whose medical or epidemiological information was obtained.

31 (c) Medical or epidemiological information described in subsection

32 (b) may be released in a form that does not protect the identity of a  
33 person whose medical or epidemiological information was obtained if:

34 (1) the person consents in writing to the release of the person's  
35 medical or epidemiological information; or  
36 (2) the investigation or study results in an administrative or a  
37 judicial proceeding and release of the medical or epidemiological  
38 information is ordered by, **before January 1, 2020**, the  
39 administrative law judge, **after December 31, 2019, the**  
40 **administrative law judge assigned by the office of**  
41 **administrative proceedings established by IC 4-15-10.5-6**, or  
42 the court.



1           SECTION 30. IC 16-21-4-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The state  
3 department shall appoint an appeals panel consisting of three (3)  
4 members as follows:

5           (1) One (1) member of the executive board.  
6           (2) One (1) attorney admitted to the practice of law in Indiana.  
7           (3) One (1) individual with qualifications determined by the state  
8           department.

9           (b) An employee of the state department may not be a member of  
10 the panel.

11           (c) The panel shall conduct proceedings for review of an order  
12 issued by **before January 1, 2020**, an administrative law judge under  
13 this chapter, **or, after December 31, 2019, an administrative law**  
14 **judge assigned by the office of administrative proceedings**  
15 **established by IC 4-15-10.5-6**. The panel is the ultimate authority  
16 under IC 4-21.5.

17           SECTION 31. IC 16-25-5-7 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) For an appeal  
19 under section 6 of this chapter, the executive board shall appoint an  
20 appeals panel consisting of three (3) members as follows:

21           (1) One (1) member of the executive board.  
22           (2) One (1) attorney admitted to the practice of law in Indiana.  
23           (3) One (1) individual with qualifications determined by the  
24           executive board.

25           (b) An employee of the state department may not be a member of  
26 the appeals panel.

27           (c) The appeals panel shall conduct proceedings for review of an  
28 order issued by, **before January 1, 2020**, an administrative law judge  
29 under this chapter, **or, after December 31, 2019, an administrative**  
30 **law judge assigned by the office of administrative proceedings**  
31 **established by IC 4-15-10.5-6**. The appeals panel is the ultimate  
32 authority under IC 4-21.5.

33           (d) The costs of the proceedings, including the fees of the appeals  
34 panel, shall be paid as follows:

35           (1) By the hospice, if the appeals panel finds in favor of the state  
36           department.  
37           (2) By the state department, if the appeals panel finds in favor of  
38           the hospice.

39           SECTION 32. IC 16-27-1-14 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 14. (a) The executive  
41 board shall appoint an appeals panel consisting of three (3) members  
42 as follows:



(1) One (1) member of the executive board.

(2) One (1) attorney admitted to the practice of law in Indiana who is not an employee of the state department.

(3) One (1) individual with qualifications determined by the executive board.

(b) An employee of the state department may not be a member of the panel.

(c) The panel shall conduct proceedings for review of an order issued by, **before January 1, 2020**, an administrative law judge under this chapter, **or, after December 31, 2019, an administrative law judge assigned by the office of administrative proceedings established by IC 4-15-10.5-6**. The panel is the ultimate authority under IC 4-21.5.

SECTION 33. IC 16-27-4-22, AS ADDED BY P.L.212-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. (a) In response to a request for review of an order referred to in subsection (c), the executive board shall appoint an appeals panel that consists of three (3) members as follows:

(1) One (1) member of the executive board.

(2) One (1) attorney admitted to the practice of law in Indiana.

(3) One (1) individual with qualifications determined by the executive board.

(b) An employee of the state department may not be a member of the panel.

(c) The panel shall conduct proceedings for review of an order issued by, **before January 1, 2020**, an administrative law judge under this chapter, **or, after December 31, 2019, an administrative law judge assigned by the office of administrative proceedings established by IC 4-15-10.5-6**. The panel is the ultimate authority under IC 4-21.5.

SECTION 34. IC 16-28-10-1, AS AMENDED BY P.L.141-2014, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) Hearings under this article shall be conducted in accordance with IC 4-21.5.

(b) Except for hearings held on the adoption of rules, an administrative law judge must meet the following conditions:

(1) Be admitted to the practice of law in Indiana.

(2) Not be an employee of the state.

**This subsection expires January 1, 2020.**

(b) (c) A health facility shall pay the costs of appointing an administrative law judge if the administrative law judge finds in favor of the state. However, if the administrative law judge finds in favor of



1 the health facility, the state shall pay the costs of appointing the  
 2 administrative law judge.

3 SECTION 35. IC 16-28-10-2 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) The executive  
 5 board shall appoint an appeals panel consisting of three (3) members  
 6 as follows:

7 (1) One (1) member of the executive board.

8 (2) One (1) attorney admitted to the practice of law in Indiana.

9 (3) One (1) individual with qualifications determined by the  
 10 executive board.

11 (b) An employee of the state may not be a member of the panel.

12 (c) An appeals panel shall conduct proceedings for review of an  
 13 order issued by, **before January 1, 2020**, an administrative law judge  
 14 under this chapter, **or, after December 31, 2019, an administrative**  
 15 **law judge assigned by the office of administrative proceedings**  
 16 **established by IC 4-15-10.5-6**. The panel is the ultimate authority  
 17 under IC 4-21.5.

18 (d) The cost of the proceedings, including the fees of the appeals  
 19 panel, shall be paid as follows:

20 (1) By the health facility if the panel finds in favor of the state.

21 (2) By the state if the panel finds in favor of the health facility.

22 SECTION 36. IC 22-4-11.5-2, AS AMENDED BY P.L.108-2006,  
 23 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2019]: Sec. 2. As used in this chapter, "administrative law  
 25 judge" means:

26 (1) **before January 1, 2020**, a person employed by the  
 27 commissioner under IC 22-4-17-4; and

28 (2) **after December 31, 2019, an administrative law judge**  
 29 **assigned by the office of administrative proceedings**  
 30 **established by IC 4-15-10.5-6**.

31 SECTION 37. IC 22-4-13.3-8, AS AMENDED BY P.L.66-2018,  
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2019]: Sec. 8. (a) An individual who receives a notice under  
 34 section 2 of this chapter may contest the withholding and assert  
 35 exemptions by requesting, in writing, not later than fifteen (15) days  
 36 after the date on the notice, an administrative hearing by, **before**  
 37 **January 1, 2020**, an administrative law judge of the department, **or**,  
 38 **after December 31, 2019, an administrative law judge assigned by**  
 39 **the office of administrative proceedings established by**  
 40 **IC 4-15-10.5-6**.

41 (b) An administrative hearing under this section may be conducted  
 42 in either of the following ways:



1 (1) As a written records or "paper" hearing conducted by review  
2 of written materials and other records.  
3 (2) As a telephone or in person hearing conducted by review of  
4 written materials and testimony.  
5 (c) An individual who contests an income withholding is entitled to:  
6 (1) an opportunity to inspect and copy records relating to the  
7 overpayment;  
8 (2) an opportunity to enter into a written agreement with the  
9 department to establish a schedule for repayment of the  
10 overpayment; and  
11 (3) an opportunity for an administrative hearing conducted by,  
12 **before January 1, 2020, an administrative law judge of the**  
13 **department, or, after December 31, 2019, an administrative**  
14 **law judge assigned by the office of administrative proceedings**  
15 **established by IC 4-15-10.5-6.**  
16 (d) An individual may contest an income withholding on the  
17 following grounds:  
18 (1) That the existence, past due status, or the amount of the  
19 overpayment is incorrect.  
20 (2) That the amount withheld was incorrectly calculated.  
21 (3) That the overpayment is unenforceable as a matter of law.  
22 (e) The department is not required to provide more than one (1)  
23 hearing based on the same grounds or objections. If:  
24 (1) the department has already provided a hearing on the  
25 existence or the amount of the overpayment; and  
26 (2) the employee does not have new evidence concerning the  
27 overpayment;  
28 the department may not repeat the hearing on the existence or amount  
29 of the overpayment.  
30 (f) The department's evidence concerning the existence, past due  
31 status, and amount of the overpayment is automatically admitted as  
32 evidence in the administrative hearing and must be considered by the  
33 administrative law judge.  
34 (g) An individual who receives an adverse decision following an  
35 administrative hearing under this section may submit, not later than  
36 fifteen (15) days after the date of the decision, a request in writing to  
37 the commissioner that the commissioner or the commissioner's  
38 designee review the decision in the manner prescribed by the  
39 department. If the commissioner appoints a designee to review the  
40 decision, the commissioner shall not appoint as a designee an employee  
41 of the department's unemployment insurance program. The decision of  
42 the commissioner or the commissioner's designee under this subsection



1       is final.

2       SECTION 38. IC 22-4-15-3 IS AMENDED TO READ AS  
 3       FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) An individual  
 4       shall be ineligible for waiting period or benefit rights for any week with  
 5       respect to which ~~his~~ **the individual's** total or partial or part-total  
 6       unemployment is due to a labor dispute at the factory, establishment,  
 7       or other premises at which ~~he~~ **the individual** was last employed.

8       (b) This section shall not apply to an individual if ~~he~~ **the individual**  
 9       has terminated ~~his~~ **the individual's** employment, or ~~his~~ **the**  
 10      **individual's** employment has been terminated, with the employer  
 11      involved in the labor dispute; or if the labor dispute which caused ~~his~~  
 12      **the individual's** unemployment has terminated and any period  
 13      necessary to resume normal activities at ~~his~~ **the individual's** place of  
 14      employment has elapsed; or if all of the following conditions exist: He  
 15      **The individual** is not participating in or financing or directly interested  
 16      in the labor dispute which caused ~~his~~ **the individual's** unemployment;  
 17      and ~~he~~ **the individual** does not belong to a grade or class of workers of  
 18      which, immediately before the commencement of ~~his~~ **the individual's**  
 19      unemployment, there were members employed at the same premises as  
 20      ~~he~~; **the individual**, any of whom are participating in or financing or  
 21      directly interested in the dispute; and ~~he~~ **the individual** has not  
 22      voluntarily stopped working, other than at the direction of ~~his~~ **the**  
 23      **individual's** employer, in sympathy with employees in some other  
 24      establishment or factory in which a labor dispute is in progress.

25      (c) If in any case separate branches of work which are commonly  
 26      conducted as separate businesses in separate premises are conducted  
 27      in separate departments of the same premises, each such department  
 28      shall, for the purpose of this section, be deemed to be a separate  
 29      factory, establishment, or other premises.

30      (d) Upon request of any claimant or employer involved in an issue  
 31      arising under this section, the deputy shall, and in any other case the  
 32      deputy may, refer claims of individuals with respect to whom there is  
 33      an issue of the application of this section to, **before January 1, 2020**,  
 34      an administrative law judge, **or, after December 31, 2019, an**  
 35      **administrative law judge assigned by the office of administrative**  
 36      **proceedings established by IC 4-15-10.5-6**, who shall make the initial  
 37      determination ~~with respect thereto~~; in accordance with the procedure  
 38      in IC 22-4-17-3.

39      (e) Notwithstanding any other provisions of this article, an  
 40      individual shall not be ineligible for waiting period or benefit rights  
 41      under this section solely by reason of ~~his~~ **the individual's** failure or  
 42      refusal to apply for or to accept recall to work or reemployment with an



1 employer during the continuance of a labor dispute at the factory,  
2 establishment, or other premises of the employer, if the individual's last  
3 separation from the employer occurred prior to the start of the labor  
4 dispute and was permanent or for an indefinite period.

5 SECTION 39. IC 22-4-17-2, AS AMENDED BY P.L.154-2013,  
6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2019]: Sec. 2. (a) When an individual files an initial claim, the  
8 department shall promptly make a determination of the individual's  
9 status as an insured worker in a form prescribed by the department. A  
10 written notice of the determination of insured status shall be furnished  
11 to the individual promptly. Each such determination shall be based on  
12 and include a written statement showing the amount of wages paid to  
13 the individual for insured work by each employer during the  
14 individual's base period and shall include a finding as to whether such  
15 wages meet the requirements for the individual to be an insured  
16 worker, and, if so, the week ending date of the first week of the  
17 individual's benefit period, the individual's weekly benefit amount, and  
18 the maximum amount of benefits that may be paid to the individual for  
19 weeks of unemployment in the individual's benefit period. For the  
20 individual who is not insured, the notice shall include the reason for the  
21 determination. Unless the individual, within ten (10) days after such  
22 determination was mailed to the individual's last known address, or  
23 otherwise delivered to the individual, asks a hearing thereon before an  
24 administrative law judge **before January 1, 2020, or, after December**  
25 **31, 2019, an administrative law judge assigned by the office of**  
26 **administrative proceedings established by IC 4-15-10.5-6**, such  
27 determination shall be final and benefits shall be paid or denied in  
28 accordance therewith.

29 (b) The department shall promptly furnish each employer in the base  
30 period whose experience or reimbursable account is potentially  
31 chargeable with benefits to be paid to such individual with a notice in  
32 writing of the employer's benefit liability. The notice shall contain the  
33 date, the name and Social Security account number of the individual,  
34 the ending date of the individual's base period, and the week ending  
35 date of the first week of the individual's benefit period. The notice shall  
36 further contain information as to the proportion of benefits chargeable  
37 to the employer's experience or reimbursable account in ratio to the  
38 earnings of such individual from such employer. Unless the employer  
39 within ten (10) days after such notice of benefit liability was mailed to  
40 the employer's last known address, or otherwise delivered to the  
41 employer, asks a hearing thereon before an administrative law judge  
42 **before January 1, 2020, or, after December 31, 2019, an**



1       **administrative law judge assigned by the office of administrative**  
2       **proceedings established by IC 4-15-10.5-6**, such determination shall  
3       be final and benefits paid shall be charged in accordance therewith.

4       (c) An employing unit, including an employer, having knowledge  
5       of any facts which may affect an individual's eligibility or right to  
6       waiting period credits or benefits, shall notify the department of such  
7       facts within ten (10) days after the mailing of notice that a former  
8       employee has filed an initial or additional claim for benefits on a form  
9       prescribed by the department.

10      (d) In addition to the foregoing determination of insured status by  
11       the department, the deputy shall, throughout the benefit period,  
12       determine the claimant's eligibility with respect to each week for which  
13       the claimant claims waiting period credit or benefit rights, the validity  
14       of the claimant's claim therefor, and the cause for which the claimant  
15       left the claimant's work, or may refer such claim to, **before January 1,**  
16       **2020**, an administrative law judge **or, after December 31, 2019, an**  
17       **administrative law judge assigned by the office of administrative**  
18       **proceedings established by IC 4-15-10.5-6**, who shall make the initial  
19       determination with respect thereto in accordance with the procedure in  
20       section 3 of this chapter.

21      (e) In cases where the claimant's benefit eligibility or  
22       disqualification is disputed, the department shall promptly notify the  
23       claimant and the employer or employers directly involved or connected  
24       with the issue raised as to the validity of such claim, the eligibility of  
25       the claimant for waiting period credit or benefits, or the imposition of  
26       a disqualification period or penalty, or the denial thereof, and of the  
27       cause for which the claimant left the claimant's work, of such  
28       determination and the reasons thereof.

29      (f) Except as otherwise hereinafter provided in this section  
30       regarding parties located in Alaska, Hawaii, and Puerto Rico, unless  
31       the claimant or such employer, within ten (10) days after the  
32       notification required by subsection (e), was mailed to the claimant's or  
33       the employer's last known address or otherwise delivered to the  
34       claimant or the employer, asks for a hearing before an administrative  
35       law judge **before January 1, 2020, or, after December 31, 2019, an**  
36       **administrative law judge assigned by the office of administrative**  
37       **proceedings established by IC 4-15-10.5-6**, thereon, such decision  
38       shall be final and benefits shall be paid or denied in accordance  
39       therewith.

40      (g) For a notice of disputed administrative determination or decision  
41       mailed or otherwise delivered to the claimant or employer either of  
42       whom is located in Alaska, Hawaii, or Puerto Rico, unless the claimant



1 or employer, within fifteen (15) days after the notification required by  
2 subsection (e), was mailed to the claimant's or employer's last known  
3 address or otherwise delivered to the claimant or employer, asks for a  
4 hearing before an administrative law judge **before January 1, 2020,**  
5 **or, after December 31, 2019, an administrative law judge assigned**  
6 **by the office of administrative proceedings established by**  
7 **IC 4-15-10.5-6**, thereon, such decision shall be final and benefits shall  
8 be paid or denied in accordance therewith.

9 (h) If a claimant or an employer requests a hearing under subsection  
10 (f) or (g), the request therefor shall be filed with the department in  
11 writing within the prescribed periods as above set forth in this section  
12 and shall be in such form as the department may prescribe. In the event  
13 a hearing is requested by an employer or the department after it has  
14 been administratively determined that benefits should be allowed to a  
15 claimant, entitled benefits shall continue to be paid to said claimant  
16 unless said administrative determination has been reversed by a due  
17 process hearing. Benefits with respect to any week not in dispute shall  
18 be paid promptly regardless of any appeal.

19 (i) A person may not participate on behalf of the department in any  
20 case in which the person is an interested party.

21 (j) Solely on the ground of obvious administrative error appearing  
22 on the face of an original determination, and within the benefit year of  
23 the affected claims, the commissioner, or a representative authorized  
24 by the commissioner to act in the commissioner's behalf, may  
25 reconsider and direct the deputy to revise the original determination so  
26 as to correct the obvious error appearing therein. Time for filing an  
27 appeal and requesting a hearing before an administrative law judge  
28 **before January 1, 2020, or, after December 31, 2019, an**  
29 **administrative law judge assigned by the office of administrative**  
30 **proceedings established by IC 4-15-10.5-6**, regarding the  
31 determinations handed down pursuant to this subsection shall begin on  
32 the date following the date of revision of the original determination and  
33 shall be filed with the commissioner in writing within the prescribed  
34 periods as above set forth in subsection (c).

35 (k) Notice to the employer and the claimant that the determination  
36 of the department is final if a hearing is not requested shall be  
37 prominently displayed on the notice of the determination which is sent  
38 to the employer and the claimant.

39 (l) If an allegation of the applicability of IC 22-4-15-1(c)(8) is made  
40 by the individual at the time of the claim for benefits, the department  
41 shall not notify the employer of the claimant's current address or  
42 physical location.



1           SECTION 40. IC 22-4-17-3, AS AMENDED BY P.L.175-2009,  
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 3. (a) Unless such request for hearing is  
4 withdrawn, **before January 1, 2020**, an administrative law judge **or**,  
5 **after December 31, 2019, an administrative law judge assigned by**  
6 **the office of administrative proceedings established by**  
7 **IC 4-15-10.5-6**, after providing the notice required under section 6 of  
8 this chapter and affording the parties a reasonable opportunity for fair  
9 hearing, shall affirm, modify, or reverse the findings of fact and  
10 decision of the deputy.

11           (b) The parties shall be duly notified of the decision made under  
12 subsection (a) and the reasons therefor, which shall be deemed to be  
13 the final decision of the review board, unless within fifteen (15) days  
14 after the date of notification or mailing of such decision, an appeal is  
15 taken by the commissioner or by any party adversely affected by such  
16 decision to the review board.

17           SECTION 41. IC 22-4-17-3.2, AS ADDED BY P.L.120-2016,  
18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2019]: Sec. 3.2. (a) As used in this section, "attorney" refers  
20 to one (1) of the following:

21           (1) An attorney in good standing admitted to the practice of law  
22 in Indiana.

23           (2) An attorney in good standing admitted to the practice of law  
24 in another state who has been granted temporary admission to the  
25 state bar under Rule 3 of the Rules for Admission to the Bar and  
26 the Discipline of Attorneys adopted by the supreme court.

27           (b) An employer or an employing unit having an interest in a claim  
28 for benefits pending before an administrative law judge, **before**  
29 **January 1, 2020, or, after December 31, 2019, an administrative**  
30 **law judge assigned by the office of administrative proceedings**  
31 **established by IC 4-15-10.5-6**, the review board, or other individuals  
32 who adjudicate claims may be represented by:

33           (1) an officer or other employee of the employer or employing  
34 unit as designated by the employer or the employing unit;

35           (2) an attorney;

36           (3) an accountant certified by and in good standing with the state;  
37           or

38           (4) a representative of an unemployment compensation service  
39 firm.

40           (c) A claimant for benefits may be represented by:

41           (1) the claimant in person;

42           (2) an attorney;



(3) an accountant certified by and in good standing with the state;  
or

3 (4) an authorized agent of a bona fide labor organization to which  
4 the claimant belonged at the time the pending claim occurred.

5 (d) In addition to the persons listed in subsection (c), a claimant for  
6 benefits may designate a lay person of the claimant's choice to assist  
7 the claimant in the presentation of the claimant's case to the  
8 administrative law judge, **before January 1, 2020, or, after**  
9 **December 31, 2019, the administrative law judge assigned by the**  
10 **office of administrative proceedings established by IC 4-15-10.5-6,**  
11 the review board, or another individual who adjudicates claims.

12 SECTION 42. IC 22-4-17-4, AS AMENDED BY P.L.175-2009,  
13 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2019]: Sec. 4. (a) The department shall employ one (1) or  
15 more administrative law judges to hear and decide disputed claims.  
16 Administrative law judges employed under this section are not subject  
17 to IC 4-21.5 or any other statute regulating administrative law judges,  
18 unless specifically provided.

(1) unemployment compensation law;  
(2) rules for the conduct of hearings and appeals; and  
(3) rules of conduct for administrative law judges, review board members, and other individuals who adjudicate claims during a hearing or other adjudicative process.

(d) An individual who does not strictly comply with the law and the rules described in subsection (b), including the rules of conduct for administrative law judges, review board members, and other individuals who adjudicate claims during a hearing or other adjudicative process, is subject to disciplinary action by the department, up to and including suspension from or termination of employment.

(e) This section expires January 1, 2020.

SECTION 43. IC 22-4-17-5, AS AMENDED BY P.L.136-2018,  
SECTION 113, IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The governor shall appoint a



1 review board composed of three (3) members, not more than two (2) of  
2 whom shall be members of the same political party, with salaries to be  
3 fixed by the governor. The review board shall consist of the chairman  
4 and the two (2) members who shall serve for terms of three (3) years.  
5 At least one (1) member must be admitted to the practice of law in  
6 Indiana.

7 (b) Any claim pending before an administrative law judge **before**  
8 **January 1, 2020, or, after December 31, 2019, an administrative**  
9 **law judge assigned by the office of administrative proceedings**  
10 **established by IC 4-15-10.5-6**, and all proceedings arising from that  
11 claim, may be transferred to and determined by the review board upon  
12 its own motion, at any time before the administrative law judge  
13 announces a decision. If the review board considers it advisable to  
14 procure additional evidence, it may direct the taking of additional  
15 evidence within a time period it shall fix. An employer that is a party  
16 to a claim transferred to the review board under this subsection is  
17 entitled to receive notice in accordance with section 6 of this chapter  
18 of the transfer or any other action to be taken under this section before  
19 a determination is made or other action concerning the claim is taken.

20 (c) Any proceeding so removed to the review board shall be heard  
21 by a quorum of the review board in accordance with the requirements  
22 of section 3 of this chapter. The review board shall notify the parties to  
23 any claim of its decision, together with its reasons for the decision.

24 (d) Members of the review board, when acting as administrative law  
25 judges, are subject to section 15 of this chapter.

26 (e) The review board may on the board's own motion affirm, modify,  
27 set aside, remand, or reverse the findings, conclusions, or orders of an  
28 administrative law judge on the basis of any of the following:

29 (1) Evidence previously submitted to the administrative law  
30 judge.  
31 (2) The record of the proceeding after the taking of additional  
32 evidence as directed by the review board.  
33 (3) A procedural error by the administrative law judge-

34 SECTION 44. IC 22-4-17-6, AS AMENDED BY P.L.175-2009,  
35 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2019]: Sec. 6. (a) The manner in which disputed claims shall  
37 be presented and the conduct of hearings and appeals, including the  
38 conduct of administrative law judges, review board members, and other  
39 individuals who adjudicate claims during a hearing or other  
40 adjudicative process, shall be in accordance with rules adopted by the  
41 department for determining the rights of the parties, whether or not the  
42 rules conform to common law or statutory rules of evidence and other



1       technical rules of procedure.

2       (b) A full and complete record shall be kept of all proceedings in  
 3       connection with a disputed claim. The testimony at any hearing upon  
 4       a disputed claim need not be transcribed unless the disputed claim is  
 5       further appealed.

6       (c) Each party to a hearing before an administrative law judge  
 7       **before January 1, 2020, or, after December 31, 2019, an**  
 8       **administrative law judge assigned by the office of administrative**  
 9       **proceedings established by IC 4-15-10.5-6**, held under section 3 of  
 10      this chapter shall be mailed a notice of the hearing at least ten (10) days  
 11      before the date of the hearing specifying the date, place, and time of the  
 12      hearing **and** identifying the issues to be decided, and providing  
 13      complete information about the rules of evidence and standards of  
 14      proof that the administrative law judge will use to determine the  
 15      validity of the claim.

16      (d) If a hearing so scheduled has not commenced within at least  
 17      sixty (60) minutes of the time for which it was scheduled, then a party  
 18      involved in the hearing may request a continuance of the hearing. Upon  
 19      submission of a request for continuance of a hearing under  
 20      circumstances provided in this section, the continuance shall be  
 21      granted unless the party requesting the continuance was responsible for  
 22      the delay in the commencement of the hearing as originally scheduled.  
 23      In the latter instance, the continuance shall be discretionary with the  
 24      administrative law judge. Testimony or other evidence introduced by  
 25      a party at a hearing before an administrative law judge **before January**  
 26      **1, 2020, or, after December 31, 2019, an administrative law judge**  
 27      **assigned by the office of administrative proceedings established by**  
 28      **IC 4-15-10.5-6**, or the review board that another party to the hearing:

29       (1) is not prepared to meet; and  
 30       (2) by ordinary prudence could not be expected to have  
 31       anticipated;

32      shall be good cause for continuance of the hearing and upon motion  
 33      such continuance shall be granted.

34      SECTION 45. IC 22-4-17-7, AS AMENDED BY P.L.171-2016,  
 35      SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36      JULY 1, 2019]: Sec. 7. In the discharge of the duties imposed by this  
 37      article, the department, the review board, **before January 1, 2020, an**  
 38      **administrative law judge, or, after December 31, 2019, an**  
 39      **administrative law judge assigned by the office of administrative**  
 40      **proceedings established by IC 4-15-10.5-6**, or any duly authorized  
 41      representative of any of them, shall have power to administer oaths and  
 42      affirmations, take depositions, certify to official acts, and issue and



1 serve subpoenas to compel the attendance of witnesses and the  
 2 production of books, papers, correspondence, memoranda, and other  
 3 records deemed necessary as evidence in connection with the disputed  
 4 claim or the administration of this article.

5 SECTION 46. IC 22-4-17-8, AS AMENDED BY P.L.171-2016,  
 6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2019]: Sec. 8. In case of contumacy by, or refusal to obey a  
 8 subpoena issued to, any person in the administration of this article, any  
 9 court of this state within the jurisdiction of which the inquiry is carried  
 10 on or within the jurisdiction of which said person guilty of contumacy  
 11 or refusal to obey is found or resides or transacts business, upon  
 12 application by the department, the review board, or a duly authorized  
 13 representative of either of these, shall have jurisdiction to issue to such  
 14 person an order requiring such person to appear before the department,  
 15 the review board, **before January 1, 2020**, an administrative law  
 16 judge, **or, after December 31, 2019, an administrative law judge**  
 17 **assigned by the office of administrative proceedings established by**  
 18 **IC 4-15-10.5-6**, or the duly authorized representative of any of these,  
 19 there to produce evidence if so ordered, or there to give testimony  
 20 touching the matter in question or under investigation. Any failure to  
 21 obey such order of the court may be punished by said court as a  
 22 contempt thereof.

23 SECTION 47. IC 22-4-17-8.5, AS AMENDED BY P.L.108-2006,  
 24 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2019]: Sec. 8.5. (a) As used in this section, "interested party"  
 26 has the meaning set forth in 646 IAC 3-12-1.

27 (b) **Before January 1, 2020**, an administrative law judge **or, after**  
 28 **December 31, 2019, an administrative law judge assigned by the**  
 29 **office of administrative proceedings established by IC 4-15-10.5-6**,  
 30 or the review board may hold a hearing under this chapter by telephone  
 31 if any of the following conditions exist:

- 32 (1) The claimant or the employer is not located in Indiana.
- 33 (2) An interested party requests without an objection being filed  
 34 as provided in 646 IAC 3-12-21 that the hearing be held by  
 35 telephone.
- 36 (3) An interested party cannot appear in person because of an  
 37 illness or injury to the party.
- 38 (4) In the case of a hearing before an administrative law judge  
 39 **before January 1, 2020, or, after December 31, 2019, an**  
 40 **administrative law judge assigned by the office of**  
 41 **administrative proceedings established by IC 4-15-10.5-6**, the  
 42 administrative law judge determines without any interested party



1 filing an objection as provided in 646 IAC 3-12-21 that a hearing  
2 by telephone is proper and just.

8 SECTION 48. IC 22-4-17-9, AS AMENDED BY P.L.171-2016,  
9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2019]: Sec. 9. No person shall be excused from attending and  
11 testifying or from producing books, papers, correspondence,  
12 memoranda, and other records before the department, the review board,  
13 **before January 1, 2020, an administrative law judge, or, after**  
14 **December 31, 2019, an administrative law judge assigned by the**  
15 **office of administrative proceedings established by IC 4-15-10.5-6,**  
16 or the duly authorized representative of any of them, in obedience to  
17 the subpoena of any of them in any cause or proceeding before any of  
18 them on the ground that the testimony or evidence, documentary or  
19 otherwise, required of the person may tend to incriminate the person or  
20 subject the person to a penalty or forfeiture, but no individual shall be  
21 prosecuted or subjected to any penalty or forfeiture for or on account  
22 of any transaction, matter, or thing concerning which the person is  
23 compelled after having claimed the privilege against self-incrimination  
24 to testify or produce evidence, documentary or otherwise, except that  
25 such individual so testifying shall not be exempt from prosecution and  
26 punishment for perjury committed in so testifying. Any testimony or  
27 evidence submitted in due course before the department, the review  
28 board, **before January 1, 2020, an administrative law judge, or, after**  
29 **December 31, 2019, an administrative law judge assigned by the**  
30 **office of administrative proceedings established by IC 4-15-10.5-6,**  
31 or any duly authorized representative of any of them, shall be deemed  
32 a communication presumptively privileged with respect to any civil  
33 action except actions to enforce the provisions of this article.

34 SECTION 49. IC 22-4-17-12 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. (a) Any decision of  
36 the review board shall be conclusive and binding as to all questions of  
37 fact. Either party to the dispute or the commissioner may, within thirty  
38 (30) days after notice of intention to appeal as provided in this section,  
39 appeal the decision to the court of appeals of Indiana for errors of law  
40 under the same terms and conditions as govern appeals in ordinary civil  
41 actions.

42 (b) In every appeal the review board shall be made a party appellee,



1 and the review board shall, at the written request of the appellant and  
 2 after payment of the uniform average fee required in subsection (c) is  
 3 made, prepare a transcript of all the proceedings had before the  
 4 administrative law judge **or, after December 31, 2019, the**  
 5 **administrative law judge assigned by the office of administrative**  
 6 **proceedings established by IC 4-15-10.5-6**, and review board, which  
 7 shall contain a transcript of all the testimony, together with all  
 8 objections and rulings thereon, documents and papers introduced into  
 9 evidence or offered as evidence, and all rulings as to their admission  
 10 into evidence. The transcript shall be certified by the chairman of the  
 11 review board and shall constitute the record upon appeal.

12 (c) All expenses incurred in the preparation of the transcript shall  
 13 be charged to the appellant. The fee for a transcript shall be the actual  
 14 cost of preparation that may include the cost of materials, reproduction,  
 15 postage, handling, and hours of service rendered by the preparer. The  
 16 commissioner shall establish a uniform average fee to be paid by the  
 17 appellant before the transcript is prepared. After the transcript is  
 18 completed, the actual cost shall be determined and the appellant shall  
 19 either pay the amount remaining above the uniform average fee or be  
 20 refunded the amount the uniform average fee exceeds the actual cost  
 21 of preparation. The commissioner shall establish the procedure by  
 22 which transcript fees are determined and paid.

23 (d) Notwithstanding subsections (b) and (c), the appellant may  
 24 request that a transcript of all proceedings had before the  
 25 administrative law judge **or, after December 31, 2019, the**  
 26 **administrative law judge assigned by the office of administrative**  
 27 **proceedings established by IC 4-15-10.5-6**, and review board be  
 28 prepared at no cost to the appellant by filing with the review board,  
 29 under oath and in writing, a statement:

- 30 (1) declaring that the appellant is unable to pay for the preparation  
 31 of the transcript because of the appellant's poverty;
- 32 (2) setting forth the facts that render the appellant unable to pay  
 33 for the preparation of the transcript; and
- 34 (3) declaring that the appellant is entitled to redress on appeal.

35 Upon finding that the appellant is unable to pay for the preparation of  
 36 the transcript because of the appellant's poverty, the review board shall  
 37 prepare a transcript at no cost to the appellant.

38 (e) The review board may, upon its own motion, or at the request of  
 39 either party upon a showing of sufficient reason, extend the limit within  
 40 which the appeal shall be taken, not to exceed fifteen (15) days. In  
 41 every case in which an extension is granted, the extension shall appear  
 42 in the record of the proceeding filed in the court of appeals.



17 (h) Any finding of fact, judgment, conclusion, or final order made  
18 by a person with the authority to make findings of fact or law in an  
19 action or proceeding under this article is not conclusive or binding and  
20 shall not be used as evidence in a separate or subsequent action or  
21 proceeding between an individual and the individual's present or prior  
22 employer in an action or proceeding brought before an arbitrator, a  
23 court, or a judge of this state or the United States regardless of whether  
24 the prior action was between the same or related parties or involved the  
25 same facts.

26 SECTION 50. IC 22-4-19-6, AS AMENDED BY P.L.177-2017,  
27 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2019]: Sec. 6. (a) Each employing unit shall keep true and  
29 accurate records containing information the department considers  
30 necessary. These records are:

31 (1) open to inspection; and  
32 (2) subject to being copied;

33 by an authorized representative of the department at any reasonable  
34 time and as often as may be necessary. The department, the review  
35 board, **or before January 1, 2020**, an administrative law judge, **or**,  
36 **after December 31, 2019, an administrative law judge assigned by**  
37 **the office of administrative proceedings established by**  
38 **IC 4-15-10.5-6**, may require from any employing unit any verified or  
39 unverified report, with respect to persons employed by it, which is  
40 considered necessary for the effective administration of this article.

41 (b) Except as provided in subsections (d) and (f), information  
42 obtained or obtained from any person in the administration of this



1        article and the records of the department relating to the unemployment  
2        tax or the payment of benefits is confidential and may not be published  
3        or be open to public inspection in any manner revealing the individual's  
4        or the employing unit's identity, except in obedience to an order of a  
5        court or as provided in this section.

6        (c) A claimant or an employer at a hearing before an administrative  
7        law judge, **or, after December 31, 2019, an administrative law judge**  
8        **assigned by the office of administrative proceedings established by**  
9        **IC 4-15-10.5-6**, or the review board shall be supplied with information  
10      from the records referred to in this section to the extent necessary for  
11      the proper presentation of the subject matter of the appearance.

12      (d) The department may release the following information:

13        (1) Summary statistical data may be released to the public.  
14        (2) Employer specific information known as Quarterly Census of  
15        Employment and Wages data and data resulting from  
16        enhancements made through the business establishment list  
17        improvement project may be released to the Indiana economic  
18        development corporation only for the following purposes:

19        (A) The purpose of conducting a survey.  
20        (B) The purpose of aiding the officers or employees of the Indiana  
21        economic development corporation in providing  
22        economic development assistance through program  
23        development, research, or other methods.

24        (C) Other purposes consistent with the goals of the Indiana  
25        economic development corporation and not inconsistent with  
26        those of the department, including the purposes of IC 5-28-6-7.

27        (3) Employer specific information known as Quarterly Census of  
28        Employment and Wages data and data resulting from  
29        enhancements made through the business establishment list  
30        improvement project may be released to:

31        (A) the budget agency and the legislative services agency only  
32        for aiding the employees of the budget agency or the  
33        legislative services agency in forecasting tax revenues; and

34        (B) the Indiana department of labor for the purpose of  
35        conducting a survey and reporting to the United States  
36        Department of Labor or the federal Bureau of Labor Statistics.

37        (4) Information obtained from any person in the administration of  
38        this article and the records of the department relating to the  
39        unemployment tax or the payment of benefits for use by the  
40        following governmental entities:

41        (A) an agency of the United States;  
42        (B) an agency of the state; or



(C) a public official for use in the performance of the public official's duties;

only if there is an agreement that the information will be kept confidential and used for legitimate governmental purposes.

(e) The department may make information available under subsection (d) only:

(1) if:

(A) data provided in summary form cannot be used to identify information relating to a specific employer or specific employee; or

(B) there is an agreement that the employer specific information released will be treated as confidential and will be released only in summary form that cannot be used to identify information relating to a specific employer or a specific employee; and

(2) after the cost of making the information available to the person requesting the information is paid under IC 5-14-3.

(f) In addition to the confidentiality provisions of subsection (b), the fact that a claim has been made under IC 22-4-15-1(c)(8) and any information furnished by the claimant or an agent to the department to verify a claim of domestic or family violence are confidential. Information concerning the claimant's current address or physical location shall not be disclosed to the employer or any other person. Disclosure is subject to the following additional restrictions:

(1) The claimant must be notified before any release of information.

(2) Any disclosure is subject to redaction of unnecessary identifying information, including the claimant's address.

(g) An employee:

(1) of the department who recklessly violates subsection (a), (c), (d), (e), or (f); or

(2) of any governmental entity listed in subsection (d)(4) who recklessly violates subsection (d)(4);

commits a Class B misdemeanor.

(h) An employee of the Indiana economic development corporation, the budget agency, or the legislative services agency who violates subsection (d) or (e) commits a Class B misdemeanor.

(i) An employer or agent of an employer that becomes aware that a claim has been made under IC 22-4-15-1(c)(8) shall maintain that information as confidential.

(j) The department may charge a reasonable processing fee not to exceed two dollars (\$2) for each record that provides information about



1       an individual's last known employer released in compliance with a  
2       court order under subsection (b).

3       SECTION 51. IC 22-4-19-7, AS AMENDED BY P.L.171-2016,  
4       SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5       JULY 1, 2019]: Sec. 7. In any case where an employing unit, or any  
6       officer, member, or agent thereof or any other person having possession  
7       of the records thereof, shall fail or refuse upon demand by the  
8       department, the review board, or **before January 1, 2020**, an  
9       administrative law judge, **or, after December 31, 2019, an** **administrative law judge assigned by the office of administrative**  
10       **proceedings established by IC 4-15-10.5-6**, or the duly authorized  
11       representative of any of them, to produce or permit the examination or  
12       copying of any book, paper, account, record, or other data pertaining to  
13       payrolls or employment or ownership of interests or stock in any  
14       employing unit, or bearing upon the correctness of any contribution  
15       report, or for the purpose of making a report as required by this article  
16       where none has been made, then and in that event the department, the  
17       review board, **or before January 1, 2020**, the administrative law judge,  
18       **or, after December 31, 2019, an administrative law judge assigned**  
19       **by the office of administrative proceedings established by**  
20       **IC 4-15-10.5-6**, or the duly authorized representative of any of them,  
21       may by issuance of a subpoena require the attendance of such  
22       employing unit, or any officer, member, or agent thereof or any other  
23       person having possession of the records thereof, and take testimony  
24       with respect to any such matter and may require any such person to  
25       produce any books or records specified in such subpoena.

26  
27       SECTION 52. IC 22-4-19-8, AS AMENDED BY P.L.171-2016,  
28       SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29       JULY 1, 2019]: Sec. 8. (a) The department, the review board, **or before**  
30       **January 1, 2020**, the administrative law judge, **or, after December**  
31       **31, 2019, the administrative law judge assigned by the office of**  
32       **administrative proceedings established by IC 4-15-10.5-6**, or the  
33       duly authorized representative of any of them, at any such hearing shall  
34       have power to administer oaths to any such person or persons. When  
35       any person called as a witness by such subpoena, duly signed, and  
36       served upon the witness by any duly authorized person or by the sheriff  
37       of the county of which such person is a resident, or wherein is located  
38       the principal office of such employing unit or wherein such records are  
39       located or kept, shall fail to obey such subpoena to appear before the  
40       department, the review board, **or before January 1, 2020**, the  
41       administrative law judge, **or, after December 31, 2019, the** **administrative law judge assigned by the office of administrative**



1       **proceedings established by IC 4-15-10.5-6**, or the authorized  
2       representative of any of them, or shall refuse to testify or to answer any  
3       questions, or to produce any book, record, paper, or other data when  
4       notified and demanded so to do, such failure or refusal shall be  
5       reported to the attorney general for the state who shall thereupon  
6       institute proceedings by the filing of a petition in the name of the state  
7       on the relation of the department, in the circuit court or superior or  
8       other court of competent jurisdiction of the county where such witness  
9       resides, or wherein such records are located or kept, to compel  
10      obedience of and by such witness.

11      (b) Such petition shall set forth the facts and circumstances of the  
12      demand for and refusal or failure to permit the examination or copying  
13      of such records or the failure or refusal of such witness to testify in  
14      answer to such subpoena or to produce the records so required by such  
15      subpoena. Such court, upon the filing and docketing of such petition  
16      shall thereupon promptly issue an order to the defendants named in  
17      said petition, to produce forthwith in such court or at a place in such  
18      county designated in such order, for the examination or copying by the  
19      department, the review board, **before January 1, 2020**, an  
20      administrative law judge, **or, after December 31, 2019, an**  
21      **administrative law judge assigned by the office of administrative**  
22      **proceedings established by IC 4-15-10.5-6**, or the duly authorized  
23      representative of any of them, the records, books, or documents so  
24      described and to testify concerning matters described in such petition.  
25      Unless such defendants to such petition shall appear in said court upon  
26      a day specified in such order, which said day shall be not more than ten  
27      (10) days after the date of issuance of such order, and offer, under oath,  
28      good and sufficient reasons why such examination or copying should  
29      not be permitted, or why such subpoena should not be obeyed, such  
30      court shall thereupon deliver to the department, the review board,  
31      **before January 1, 2020**, the administrative law judge, **or, after**  
32      **December 31, 2019, the administrative law judge assigned by the**  
33      **office of administrative proceedings established by IC 4-15-10.5-6**,  
34      or representative of any of them, for examination or copying, the  
35      records, books and documents so described in said petition and so  
36      produced in such court and shall order said defendants to appear in  
37      answer to the subpoena, and to testify concerning the subject matter of  
38      the inquiry. Any employing unit, or any officer, member, or agent of  
39      the employing unit, or any other persons having possession of the  
40      records thereof who shall willfully disobey such order of the court after  
41      the same shall have been served upon the employing unit, any officer,  
42      member, or agent of the employing unit, or any other person having



1 possession of the records shall be guilty of indirect contempt of such  
 2 court from which such order shall have issued and may be adjudged in  
 3 contempt of said court and punished therefor as provided by law.

4 SECTION 53. IC 22-4-33-2, AS AMENDED BY P.L.171-2016,  
 5 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2019]: Sec. 2. (a) Except for fees charged under  
 7 IC 22-4-17-12, no individual claiming benefits may be charged fees of  
 8 any kind in a proceeding by the review board, **before January 1, 2020**,  
 9 an administrative law judge, **or, after December 31, 2019, the**  
 10 **administrative law judge assigned by the office of administrative**  
 11 **proceedings established by IC 4-15-10.5-6**, or the representative of  
 12 either of them or by any court or any officer thereof.

13 (b) An individual claiming benefits in a proceeding before the  
 14 review board, **before January 1, 2020**, an administrative law judge,  
 15 **or, after December 31, 2019, the administrative law judge assigned**  
 16 **by the office of administrative proceedings established by**  
 17 **IC 4-15-10.5-6**, or a court may be represented by counsel or other  
 18 authorized agent, but no counsel or agent may charge or receive for the  
 19 counsel's or agent's service more than an amount approved by the  
 20 review board.

21 SECTION 54. IC 22-9-1-6, AS AMENDED BY P.L.136-2018,  
 22 SECTION 126, IS AMENDED TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The commission shall  
 24 establish and maintain a permanent office in the city of Indianapolis.

25 (b) Except as it concerns judicial review, the commission may adopt  
 26 rules under IC 4-22-2 to implement this chapter.

27 (c) The commission shall formulate policies to effectuate the  
 28 purposes of this chapter and make recommendations to agencies and  
 29 officers of the state or local subdivisions thereof to effectuate such  
 30 policies. The several departments, commissions, divisions, authorities,  
 31 boards, bureaus, agencies, and officers of the state or any political  
 32 subdivision or agency thereof shall furnish the commission, upon its  
 33 request, all records, papers, and information in their possession relating  
 34 to any matter before the commission.

35 (d) The commission shall receive and investigate complaints  
 36 alleging discriminatory practices. The commission shall not hold  
 37 hearings in the absence of a complaint. All investigations of complaints  
 38 shall be conducted by staff members of the civil rights commission or  
 39 their agents.

40 (e) The commission may create such advisory agencies and  
 41 conciliation councils, local or statewide, as will aid in effectuating the  
 42 purposes of this chapter. The commission may itself, or it may



1 empower these agencies and councils to:

2       (1) study the problems of discrimination in the areas covered by  
 3       section 2 of this chapter when based on race, religion, color, sex,  
 4       handicap, national origin, or ancestry; and  
 5       (2) foster through community effort, or otherwise, good will  
 6       among the groups and elements of the population of the state.

7       These agencies and councils may make recommendation to the  
 8       commission for the development of policies and procedures in general.  
 9       Advisory agencies and conciliation councils created by the commission  
 10      shall be composed of representative citizens serving without pay, but  
 11      with reimbursement for reasonable and necessary actual expenses.

12      (f) The commission may issue such publications and such results of  
 13      investigations and research as in its judgment will tend to promote  
 14      good will and minimize or eliminate discrimination because of race,  
 15      religion, color, sex, handicap, national origin, or ancestry.

16      (g) The commission shall prevent any person from discharging,  
 17      expelling, or otherwise discriminating against any other person because  
 18      the person filed a complaint, testified in any hearing before this  
 19      commission, or in any way assisted the commission in any matter under  
 20      its investigation.

21      (h) The commission may hold hearings, subpoena witnesses, compel  
 22      their attendance, administer oaths, take the testimony of any person  
 23      under oath, and require the production for examination of any books  
 24      and papers relating to any matter under investigation or in question  
 25      before the commission. The commission may make rules as to the  
 26      issuance of subpoenas by individual commissioners. Contumacy or  
 27      refusal to obey a subpoena issued under this section shall constitute a  
 28      contempt. All hearings shall be held within Indiana at a location  
 29      determined by the commission. A citation of contempt may be issued  
 30      upon application by the commission to the circuit or superior court in  
 31      the county in which the hearing is held or in which the witness resides  
 32      or transacts business.

33      (i) The commission may:

34       **(1) before January 1, 2020, appoint administrative law judges  
 35       other than commissioners; and**  
 36       **(2) after December 31, 2019, request assignment of an  
 37       administrative law judge by the office of administrative  
 38       proceedings established by IC 4-15-10.5-6;**

39      when an appointment is deemed necessary by a majority of the  
 40      commission. The administrative law judges shall be members in good  
 41      standing before the bar of Indiana and shall be appointed by the  
 42      chairman of the commission. An administrative law judge appointed



1 under this subsection shall have the same powers and duties as a  
 2 commissioner sitting as an administrative law judge. However, the  
 3 administrative law judge may not issue subpoenas.

4 (j) The commission shall state its findings of fact after a hearing  
 5 and, if the commission finds a person has engaged in an unlawful  
 6 discriminatory practice, shall cause to be served on this person an order  
 7 requiring the person to cease and desist from the unlawful  
 8 discriminatory practice and requiring the person to take further  
 9 affirmative action as will effectuate the purposes of this chapter,  
 10 including but not limited to the power:

11 (1) to restore **the** complainant's losses incurred as a result of  
 12 discriminatory treatment, as the commission may deem necessary  
 13 to assure justice; however, except in discriminatory practices  
 14 involving veterans, this specific provision when applied to orders  
 15 pertaining to employment shall include only wages, salary, or  
 16 commissions;

17 (2) to require the posting of notice setting forth the public policy  
 18 of Indiana concerning civil rights and **the** respondent's  
 19 compliance with the policy in places of public accommodations;  
 20 (3) to require proof of compliance to be filed by **the** respondent  
 21 at periodic intervals; and

22 (4) to require a person who has been found to be in violation of  
 23 this chapter and who is licensed by a state agency authorized to  
 24 grant a license to show cause to the licensing agency why the  
 25 person's license should not be revoked or suspended.

26 When an employer has been found to have committed a discriminatory  
 27 practice in employment by failing to employ an applicant on the basis  
 28 that the applicant is a veteran, the order to restore the veteran's losses  
 29 may include placing the veteran in the employment position with the  
 30 employer for which the veteran applied.

31 (k) Judicial review of a cease and desist order or other affirmative  
 32 action as referred to in this chapter may be obtained under IC 22-9-8.  
 33 If no proceeding to obtain judicial review is instituted within thirty (30)  
 34 days from receipt of notice by a person that an order has been made by  
 35 the commission, the commission, if it determines that the person upon  
 36 whom the cease and desist order has been served is not complying or  
 37 is making no effort to comply, may obtain a decree of a court for the  
 38 enforcement of the order in circuit or superior court upon showing that  
 39 the person is subject to the commission's jurisdiction and resides or  
 40 transacts business within the county in which the petition for  
 41 enforcement is brought.

42 (l) If, upon all the evidence, the commission shall find that a person



1 has not engaged in any unlawful practice or violation of this chapter,  
 2 the commission shall state its findings of facts and shall issue and  
 3 cause to be served on the complainant an order dismissing the  
 4 complaint as to the person.

5 (m) The commission may furnish technical assistance requested by  
 6 persons subject to this chapter to further compliance with this chapter  
 7 or with an order issued under this chapter.

8 (n) The commission shall promote the creation of local civil rights  
 9 agencies to cooperate with individuals, neighborhood associations, and  
 10 state, local, and other agencies, both public and private, including  
 11 agencies of the federal government and of other states.

12 (o) The commission may reduce the terms of conciliation agreed to  
 13 by the parties to writing (to be called a consent agreement) that the  
 14 parties and a majority of the commissioners shall sign. When signed,  
 15 the consent agreement shall have the same effect as a cease and desist  
 16 order issued under subsection (j). If the commission determines that a  
 17 party to the consent agreement is not complying with it, the  
 18 commission may obtain enforcement of the consent agreement in a  
 19 circuit or superior court upon showing that the party is not complying  
 20 with the consent agreement and the party is subject to the commission's  
 21 jurisdiction and resides or transacts business within the county in  
 22 which the petition for enforcement is brought.

23 (p) In lieu of investigating a complaint and holding a hearing under  
 24 this section, the commission may issue an order based on findings and  
 25 determinations by the federal Department of Housing and Urban  
 26 Development or the federal Equal Employment Opportunity  
 27 Commission concerning a complaint that has been filed with one (1) of  
 28 these federal agencies and with the commission. The commission shall  
 29 adopt by rule standards under which the commission may issue such an  
 30 order.

31 (q) Upon notice that a complaint is the subject of an action in a  
 32 federal court, the commission shall immediately cease investigation of  
 33 the complaint and may not conduct hearings or issue findings of fact or  
 34 orders concerning that complaint.

35 SECTION 55. IC 23-2-5-11, AS AMENDED BY P.L.126-2012,  
 36 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2019]: Sec. 11. (a) The commissioner may do the following:

- 38 (1) Adopt rules under IC 4-22-2 to implement this chapter.
- 39 (2) Make investigations and examinations:
  - 40 (A) in connection with any application for licensure under this  
 chapter or with any license already granted; or
  - 41 (B) whenever it appears to the commissioner, upon the basis



1 of a complaint or information, that reasonable grounds exist  
2 for the belief that an investigation or examination is necessary  
3 or advisable for the more complete protection of the interests  
4 of the public.

5 (3) Charge as costs of investigation or examination all reasonable  
6 expenses, including a per diem prorated upon the salary of the  
7 commissioner or employee and actual traveling and hotel  
8 expenses. All reasonable expenses are to be paid by the party or  
9 parties under investigation or examination if the party has violated  
10 this chapter.

11 (4) Issue notices and orders, including cease and desist notices  
12 and orders, after making an investigation or examination under  
13 subdivision (2). The commissioner shall notify the person that an  
14 order or notice has been issued, the reasons for it, and that a  
15 hearing will be set not later than fifteen (15) business days after  
16 the commissioner receives a written request from the person  
17 requesting a hearing if the original order issued by the  
18 commissioner was a summary suspension, summary revocation,  
19 or denial of a license and not later than forty-five (45) business  
20 days after the commissioner receives a written request from the  
21 person requesting a hearing for all other orders.

22 (5) Sign all orders, official certifications, documents, or papers  
23 issued under this chapter or delegate the authority to sign any of  
24 those items to a deputy.

25 (6) Hold and conduct hearings.

26 (7) Hear evidence.

27 (8) Conduct inquiries with or without hearings.

28 (9) Receive reports of investigators or other officers or employees  
29 of the state of Indiana or of any municipal corporation or  
30 governmental subdivision within the state.

31 (10) Administer oaths, or cause them to be administered.

32 (11) Subpoena witnesses, and compel them to attend and testify.

33 (12) Compel the production of books, records, and other  
34 documents.

35 (13) Order depositions to be taken of any witness residing within  
36 or without the state. The depositions shall be taken in the manner  
37 prescribed by law for depositions in civil actions and made  
38 returnable to the commissioner.

39 (14) Order that each witness appearing under the commissioner's  
40 order to testify before the commissioner shall receive the fees and  
41 mileage allowances provided for witnesses in civil cases.

42 (15) Provide interpretive opinions or issue determinations that the



1           commissioner will not institute a proceeding or an action under  
2           this chapter against a specified person for engaging in a specified  
3           act, practice, or course of business if the determination is  
4           consistent with this chapter. The commissioner may adopt rules  
5           to establish fees for individuals requesting an interpretive opinion  
6           or a determination under this subdivision. A person may not  
7           request an interpretive opinion or a determination concerning an  
8           activity that:

9           (A) occurred before; or  
10           (B) is occurring on;

11           the date the opinion or determination is requested.

12           (16) Subject to subsection (f), designate a multistate automated  
13           licensing system and repository, established and operated by a  
14           third party, to serve as the sole entity responsible for:

15           (A) processing applications for:  
16            (i) licenses under this chapter; and  
17            (ii) renewals of licenses under this chapter; and  
18           (B) performing other services that the commissioner  
19           determines are necessary for the orderly administration of the  
20           division's licensing system.

21           A multistate automated licensing system and repository described  
22           in this subdivision may include the Nationwide Mortgage  
23           Licensing System and Registry established by the Conference of  
24           State Bank Supervisors and the American Association of  
25           Residential Mortgage Regulators. The commissioner may take  
26           any action necessary to allow the division to participate in a  
27           multistate automated licensing system and repository.

28           (b) If a witness, in any hearing, inquiry, or investigation conducted  
29           under this chapter, refuses to answer any question or produce any item,  
30           the commissioner may file a written petition with the circuit or superior  
31           court in the county where the hearing, investigation, or inquiry in  
32           question is being conducted requesting a hearing on the refusal. The  
33           court shall hold a hearing to determine if the witness may refuse to  
34           answer the question or produce the item. If the court determines that  
35           the witness, based upon the witness's privilege against  
36           self-incrimination, may properly refuse to answer or produce an item,  
37           the commissioner may make a written request that the court grant use  
38           immunity to the witness. Upon written request of the commissioner, the  
39           court shall grant use immunity to a witness. The court shall instruct the  
40           witness, by written order or in open court, that:

41            (1) any evidence the witness gives, or evidence derived from that  
42           evidence, may not be used in any criminal proceedings against



1                   that witness, unless the evidence is volunteered by the witness or  
 2                   is not responsive to a question; and

3                   (2) the witness must answer the questions asked and produce the  
 4                   items requested.

5                   A grant of use immunity does not prohibit evidence that the witness  
 6                   gives in a hearing, investigation, or inquiry from being used in a  
 7                   prosecution for perjury under IC 35-44.1-2-1. If a witness refuses to  
 8                   give the evidence after the witness has been granted use immunity, the  
 9                   court may find the witness in contempt.

10                  (c) In any prosecution, action, suit, or proceeding based upon or  
 11                  arising out of this chapter, the commissioner may sign a certificate  
 12                  showing compliance or noncompliance with this chapter by any person.  
 13                  This shall constitute *prima facie* evidence of compliance or  
 14                  noncompliance with this chapter and shall be admissible in evidence  
 15                  in any action at law or in equity to enforce this chapter.

16                  (d) If:

17                   (1) a person disobeys any lawful:

18                   (A) subpoena issued under this chapter; or

19                   (B) order or demand requiring the production of any books,  
 20                   accounts, papers, records, documents, or other evidence or  
 21                   information as provided in this chapter; or

22                  (2) a witness refuses to:

23                   (A) appear when subpoenaed;

24                   (B) testify to any matter about which the witness may be  
 25                   lawfully interrogated; or

26                   (C) take or subscribe to any oath required by this chapter;  
 27                  the circuit or superior court of the county in which the hearing, inquiry,  
 28                  or investigation in question is held, if demand is made or if, upon  
 29                  written petition, the production is ordered to be made, or the  
 30                  commissioner or, **before January 1, 2020**, a hearing officer appointed  
 31                  by the commissioner, **or, after December 31, 2019, an administrative  
 32                  law judge assigned, after request by the commissioner, by the office  
 33                  of administrative proceedings established by IC 4-15-10.5-6**, shall  
 34                  compel compliance with the lawful requirements of the subpoena,  
 35                  order, or demand, compel the production of the necessary or required  
 36                  books, papers, records, documents, and other evidence and  
 37                  information, and compel any witness to attend in any Indiana county  
 38                  and to testify to any matter about which the witness may lawfully be  
 39                  interrogated, and to take or subscribe to any oath required.

40                  (e) If a person fails, refuses, or neglects to comply with a court order  
 41                  under this section, the person shall be punished for contempt of court.

42                  (f) The commissioner's authority to designate a multistate automated



1       licensing system and repository under subsection (a)(16) is subject to  
2       the following:

3           (1) The commissioner may not require any person that is not  
4           required to be licensed under this chapter, or any employee or  
5           agent of a person that is not required to be licensed under this  
6           chapter, to:

7              (A) submit information to; or

8              (B) participate in;

9       the multistate automated licensing system and repository.

10          (2) The commissioner may require a person required under this  
11       chapter to submit information to the multistate automated  
12       licensing system and repository to pay a processing fee considered  
13       reasonable by the commissioner.

14       SECTION 56. IC 23-19-6-2, AS AMENDED BY P.L.126-2012,

15       SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

16       JULY 1, 2019]: Sec. 2. (a) The commissioner may:

17           (1) conduct public or private investigations within or outside this  
18       state which the commissioner considers necessary or appropriate  
19       to determine whether a person has violated, is violating, or is  
20       about to violate this article or a rule adopted or order issued under  
21       this article, or to aid in the enforcement of this article or in the  
22       adoption of rules and forms under this article;

23           (2) require or permit a person to testify, file a statement, or  
24       produce a record, under oath or otherwise as the commissioner  
25       determines, as to all the facts and circumstances concerning a  
26       matter to be investigated or about which an action or proceeding  
27       is to be instituted; and

28           (3) publish a record concerning an action, proceeding, or an  
29       investigation under, or a violation of, this article or a rule adopted  
30       or order issued under this article if the commissioner determines  
31       it is necessary or appropriate in the public interest and for the  
32       protection of investors.

33           (b) For the purpose of an investigation under this article, the  
34       commissioner or the commissioner's designated officer may administer  
35       oaths and affirmations, subpoena witnesses, seek compulsion of  
36       attendance, take evidence, require the filing of statements, and require  
37       the production of any records that the commissioner considers relevant  
38       or material to the investigation. Upon order of the commissioner, **or**  
39       **before January 1, 2020**, a hearing officer appointed by the  
40       commissioner, **or, after December 31, 2019, an administrative law**  
41       **judge assigned, after request by the commissioner, by the office of**  
42       **administrative proceedings established by IC 4-15-10.5-6**, in any



1 hearing, depositions may be taken in the manner prescribed by law for  
2 depositions in civil actions and made returnable to the commissioner,  
3 ~~or~~ a hearing officer appointed by the commissioner, **or administrative**  
4 **law judge.**

5 (c) If a person does not appear or refuses to testify, file a statement,  
6 or produce records, or otherwise does not obey a subpoena as required  
7 by this article, the commissioner, ~~or before January 1, 2020, a~~ hearing  
8 officer appointed by the commissioner, ~~or, after December 31, 2019,~~  
9 **an administrative law judge assigned, after request by the**  
10 **commissioner, by the office of administrative proceedings**  
11 **established by IC 4-15-10.5-6,** may apply to the circuit or superior  
12 court in the county where the hearing, investigation, or inquiry in  
13 question is being conducted to enforce compliance. The court may:

14 (1) hold the person in contempt;  
15 (2) order the person to appear before the commissioner, ~~or~~  
16 hearing officer appointed by the commissioner, ~~or~~  
17 **administrative law judge;**  
18 (3) order the person to testify about the matter under investigation  
19 or in question;  
20 (4) order the production of records;  
21 (5) grant injunctive relief, including restricting or prohibiting the  
22 offer or sale of securities or the providing of investment advice;  
23 (6) impose a civil penalty of not more than twenty thousand  
24 dollars (\$20,000) for each violation; and  
25 (7) grant any other necessary or appropriate relief.

26 (d) This section does not preclude a person from applying to the  
27 circuit or superior court in the county where the hearing, investigation,  
28 or inquiry in question is being conducted for relief from a request to  
29 appear, testify, file a statement, produce records, or obey a subpoena.

30 (e) If a witness, in any hearing, inquiry, or investigation conducted  
31 under this article, refuses to answer any question or produce any item,  
32 the commissioner may file a written petition with the circuit or superior  
33 court in the county where the hearing, investigation, or inquiry in  
34 question is being conducted requesting a hearing on the refusal. The  
35 court shall hold a hearing to determine if the witness may refuse to  
36 answer the question or produce the item. If the court determines that  
37 the witness, based upon the witness's privilege against  
38 self-incrimination, may properly refuse to answer or produce an item,  
39 the commissioner may make a written request that the court grant use  
40 immunity to the witness. Upon written request of the commissioner, the  
41 court shall grant use immunity to a witness. The court shall instruct the  
42 witness, by written order or in open court, that:



1 (1) any evidence the witness gives, or evidence derived from that  
2 evidence, may not be used in any criminal proceedings against  
3 that witness, unless the evidence is volunteered by the witness or  
4 is not responsive to a question; and

5 (2) the witness must answer the questions asked and produce the  
6 items requested. A grant of use immunity does not prohibit the  
7 use of evidence that the witness gives in a hearing, investigation,  
8 or inquiry from being used in a prosecution for perjury under  
9 IC 35-44.1-2-1. If a witness refuses to give the evidence after the  
10 witness has been granted use immunity, the court may find the  
11 witness in contempt.

12 (f) At the request of the securities regulator of another state or a  
13 foreign jurisdiction, the commissioner may provide assistance if the  
14 requesting regulator states that it is conducting an investigation to  
15 determine whether a person has violated, is violating, or is about to  
16 violate a law or rule of the other state or foreign jurisdiction relating to  
17 securities matters that the requesting regulator administers or enforces.  
18 The commissioner may provide the assistance by using the authority to  
19 investigate and the powers conferred by this section as the  
20 commissioner determines is necessary or appropriate. The assistance  
21 may be provided without regard to whether the conduct described in  
22 the request would also constitute a violation of this article or other law  
23 of this state if occurring in this state. In deciding whether to provide the  
24 assistance, the commissioner may consider whether the requesting  
25 regulator is permitted and has agreed to provide assistance reciprocally  
26 within its state or foreign jurisdiction to the commissioner on securities  
27 matters when requested; whether compliance with the request would  
28 violate or prejudice the public policy of this state; and the availability  
29 of resources and employees of the commissioner to carry out the  
30 request for assistance.

40 (h) Each witness who shall appear before the commissioner or a  
41 hearing officer appointed by the commissioner by order shall receive  
42 for the witness's attendance the fees and mileage provided for witnesses



1       in civil cases, which shall be audited and paid by the state in the same  
 2       manner as other expenses of the securities division are audited and paid  
 3       upon the presentation of proper vouchers sworn to by the witnesses and  
 4       approved by the commissioner. However, no witnesses subpoenaed at  
 5       the instance of parties other than the commissioner, or a hearing officer  
 6       appointed by the commissioner shall be entitled to any fee or  
 7       compensation from the state.

8       SECTION 57. IC 36-1-9.5-51 IS AMENDED TO READ AS  
 9       FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 51. (a) If a contractor  
 10      is dissatisfied with the decision under section 50 of this chapter, the  
 11      contractor may make a written request by certified or registered mail  
 12      or personal service within fifteen (15) days after receiving the decision  
 13      for an appeal hearing.

14      (b) A contractor shall send a request under this section to the  
 15      prequalification administrator. After receiving the request, the entity  
 16      shall serve written notice of the date, place, and time of the hearing  
 17      and, **before January 1, 2020**, written notice of the appointment of an  
 18      administrative law judge, **or, after December 31, 2019, written notice**  
 19      **of the request for assignment of an administrative law judge**  
 20      **submitted to the office of administrative proceedings established by**  
 21      **IC 4-15-10.5-6**, on the contractor.

22      (c) A hearing shall be held not later than fourteen (14) days after the  
 23      receipt of the request **before an administrative law judge (before**  
 24      **January 1, 2020) or an administrative law judge assigned by the**  
 25      **office of administrative proceedings established by IC 4-15-10.5-6**  
 26      **(after December 31, 2019)**, unless otherwise ordered by ~~an~~ the  
 27      administrative law judge.

28      (d) At the hearing, the contractor bears the burden of proof.

29       SECTION 58. IC 36-8-8-22, AS AMENDED BY P.L.35-2012,  
 30       SECTION 140, IS AMENDED TO READ AS FOLLOWS  
 31       [EFFECTIVE JULY 1, 2019]: Sec. 22. Nothing in this chapter limits  
 32       the discretion of the system board to select an administrative law judge  
 33       under IC 4-21.5-3-9. **This section expires January 1, 2020.**

34       SECTION 59. [EFFECTIVE JULY 1, 2019] (a) **Notwithstanding**  
 35       **the amendments made by this act or the provisions added by this**  
 36       **act (including the establishment of the office of administrative**  
 37       **proceedings), in the case of a matter pending before an**  
 38       **administrative law judge at any time during the period after June**  
 39       **30, 2019, and before January 1, 2020, the matter should be decided**  
 40       **by the administrative law judge under the laws in effect before**  
 41       **their amendment by this act.**

42       (b) **Notwithstanding the amendments made by this act or the**



1       provisions added by this act (including the establishment of the  
2       office of administrative proceedings), a contract in effect on July  
3       1, 2019, between an agency and an administrative law judge  
4       terminates on the termination date provided in the contract. A  
5       contract may not be extended or renewed by the agency.

6       (c) This SECTION expires July 1, 2022.

