

HOUSE BILL No. 1223

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.

**Steuerwald, Bosma, Borders,
DeLaney**

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



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

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 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.



(13) Make available employee relations specialists to help employees:

(A) resolve employment related problems; and

(B) understand the procedures that are available for redress of grievances that the employee relations specialists do not resolve.

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

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

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

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

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

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

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

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

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



proceeding; and

(2) after December 31, 2019:

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

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

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

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

(1) States facts demonstrating that:

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

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

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

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

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

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

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



rules that support the provider's contentions of error.
 Not more than thirty (30) days after filing a petition for review under this section, and upon a finding of good cause by the administrative law judge, a person may amend the statement of issues contained in a petition for review to add one (1) or more additional issues.

(3) Is filed:

(A) with respect to an order described in section 4, 5, 6(a)(1), 6(a)(2), or 6(a)(5) of this chapter, with the ultimate authority for the agency issuing the order within fifteen (15) days after the person is given notice of the order or any longer period set by statute; or

(B) with respect to a determination described in section 6(a)(3) or 6(a)(4) of this chapter, with the office of Medicaid policy and planning not more than one hundred eighty (180) days after the hospital is provided notice of the determination.

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

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

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

(1) A statement that the petition for review is denied.

(2) A brief explanation of the available procedures and the time limit for seeking administrative review of the denial under subsection (c).

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

(1) states facts demonstrating that the person filed a petition for 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.



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

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

7 (1) act as an administrative law judge;

8 (2) designate one (1) or more members of the ultimate authority
9 (if the ultimate authority is a panel of individuals) to act as an
10 administrative law judge; or

11 (3) **before January 1, 2020**, designate one (1) or more:

12 (A) attorneys licensed to practice law in Indiana; or

13 (B) persons who served as administrative law judges for a state
14 agency before January 1, 2014;

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

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

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

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

35 (1) withdraw as the administrative law judge; or

36 (2) inform the parties of the potential basis for disqualification,
37 place a brief statement of this basis on the record of the
38 proceeding, and allow the parties an opportunity to petition for
39 disqualification under subsection (d).

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



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

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

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

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

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

(1) review; or

(2) issue a final order with respect to;

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

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

(1) bias, prejudice, or interest in the outcome of a proceeding;

(2) failure to dispose of the subject of a proceeding in an orderly and reasonably prompt manner after a written request by a party;

(3) unless waived or extended with the written consent of all parties or for good cause shown, failure to issue an order not later than ninety (90) days after the latest of:

(A) the filing of a motion to dismiss or a motion for summary judgment under section 23 of this chapter that is filed after 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.

(b) This subsection does not apply to a proceeding concerning a regulated occupation (as defined in IC 25-1-7-1), except for a proceeding concerning a water well driller (as described in IC 25-39-3) or an out of state mobile health care entity regulated by the state department of health. An individual who is disqualified under subsection (a)(2) or (a)(3) shall provide the parties a list of at least three (3) special administrative law judges who meet the requirements of

(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).

Subject to subsection (c), the parties may agree to the selection of one (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.

SECTION 10. IC 4-21.5-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 13. (a) 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.



(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.

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

(d) An individual may serve as an administrative law judge or a person presiding under sections 28, 29, 30, and 31 of this chapter at successive stages of the same proceeding, unless a party demonstrates grounds for disqualification under section 10 of this chapter. **This subsection expires January 1, 2020.**

(e) A violation of this section is subject to the sanctions under sections 36 and 37 of this chapter.

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

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

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

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



(e) If the board receives a report or otherwise learns of cause for revocation concerning a law enforcement officer or chief executive officer, the board shall consider the report and direct the executive director to notify the subject officer's hiring or appointing authority about the report and request an investigation. The hiring or appointing authority shall cause an investigation to be conducted by an appropriate investigative agency without unnecessary delay.

(f) When a hiring or appointing authority completes an investigation of cause for revocation, the hiring or appointing authority shall forward a complete report of its investigation, findings, and recommendations, if any, to the board. The hiring or appointing authority shall also forward to the board a description of any administrative or disciplinary action taken as a result of the investigation not later than sixty (60) days after the hiring or appointing authority takes administrative or disciplinary action.

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

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

(1) before January 1, 2020, direct the executive director or another qualified person to serve as an administrative law judge; or

(2) after December 31, 2019, request assignment of an administrative law judge assigned by the office of administrative proceedings established by IC 4-15-10.5-6;
to conduct the hearing described in subsection (g). If the administrative



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:



- 1 (A) the date of the notice to the taxpayer under section 31.6(g)
- 2 of this chapter; or
- 3 (B) the date after which the department may not change the
- 4 amount of the assessment or reassessment under the informal
- 5 hearing process described in section 31.6 of this chapter.
- 6 (d) The Indiana board may develop a form for petitions under
- 7 subsection (c) that outlines:
- 8 (1) the appeal process;
- 9 (2) the burden of proof; and
- 10 (3) evidence necessary to warrant a change to an assessment or
- 11 reassessment.
- 12 (e) The Indiana board may contract with, appoint, or otherwise
- 13 designate the following to serve as special masters to conduct
- 14 evidentiary hearings and prepare reports required under subsection (g):
- 15 (1) Independent, licensed appraisers.
- 16 (2) Attorneys.
- 17 (3) Certified level two or level three Indiana assessor-appraisers.
- 18 (including, **before January 1, 2020**, administrative law judges
- 19 employed by the Indiana board).
- 20 (4) Other qualified individuals.
- 21 (f) Each contract entered into under subsection (e) must specify the
- 22 appointee's compensation and entitlement to reimbursement for
- 23 expenses. The compensation and reimbursement for expenses are paid
- 24 from the county property reassessment fund.
- 25 (g) With respect to each petition for review filed under subsection
- 26 (c), the special masters shall:
- 27 (1) set a hearing date;
- 28 (2) give notice of the hearing at least thirty (30) days before the
- 29 hearing date, by mail, to:
- 30 (A) the taxpayer;
- 31 (B) the department of local government finance;
- 32 (C) the township assessor (if any); and
- 33 (D) the county assessor;
- 34 (3) conduct a hearing and hear all evidence submitted under this
- 35 section; and
- 36 (4) make evidentiary findings and file a report with the Indiana
- 37 board.
- 38 (h) At the hearing under subsection (g):
- 39 (1) the taxpayer shall present:
- 40 (A) the taxpayer's evidence that the assessment or
- 41 reassessment is incorrect;
- 42 (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,**



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

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

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

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

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

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

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

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

(d) The governor shall appoint one (1) member as chairman.

(e) The members of the commission shall be appointed for a term of



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

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

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

(h) The chairman of the commission shall:

- (1) assign cases to the various members of the commission; ~~or~~
- (2) before January 1, 2020, assign cases to administrative law judges; or**
- (3) after December 31, 2019, request assignment of cases to an administrative law judge by the office of administrative proceedings established by IC 4-15-10.5-6;**

for hearings.

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

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

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

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



(c) An order recommended by an administrative law judge may not be held for less than ten (10) days during which an interested party may file a written exception. If an exception is not filed, the finding of facts and decision in form of the order suggested by the administrative law judge shall be the order of the department, unless the department directs otherwise.

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

(1) the approval of the state personnel department and the budget agency; and

(2) IC 4-21.5;

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

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

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

(1) collected from or volunteered by a person; and

(2) that results in or from:

(A) a public health surveillance;

(B) a public health investigation; or

(C) an epidemiological investigation or study;

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

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

(1) the person consents in writing to the release of the person's medical or epidemiological information; or

(2) the investigation or study results in an administrative or a judicial proceeding and release of the medical or epidemiological information is ordered by, **before January 1, 2020**, the administrative law judge, **after December 31, 2019**, the **administrative law judge assigned by the office of administrative proceedings established by IC 4-15-10.5-6**, or 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) As a written records or "paper" hearing conducted by review of written materials and other records.

(2) As a telephone or in person hearing conducted by review of written materials and testimony.

(c) An individual who contests an income withholding is entitled to:

(1) an opportunity to inspect and copy records relating to the overpayment;

(2) an opportunity to enter into a written agreement with the department to establish a schedule for repayment of the overpayment; and

(3) an opportunity for an administrative hearing conducted by, **before January 1, 2020**, an administrative law judge of the department, **or, after December 31, 2019, an administrative law judge assigned by the office of administrative proceedings established by IC 4-15-10.5-6.**

(d) An individual may contest an income withholding on the following grounds:

(1) That the existence, past due status, or the amount of the overpayment is incorrect.

(2) That the amount withheld was incorrectly calculated.

(3) That the overpayment is unenforceable as a matter of law.

(e) The department is not required to provide more than one (1) hearing based on the same grounds or objections. If:

(1) the department has already provided a hearing on the existence or the amount of the overpayment; and

(2) the employee does not have new evidence concerning the overpayment;

the department may not repeat the hearing on the existence or amount of the overpayment.

(f) The department's evidence concerning the existence, past due status, and amount of the overpayment is automatically admitted as evidence in the administrative hearing and must be considered by the administrative law judge.

(g) An individual who receives an adverse decision following an administrative hearing under this section may submit, not later than fifteen (15) days after the date of the decision, a request in writing to the commissioner that the commissioner or the commissioner's designee review the decision in the manner prescribed by the department. If the commissioner appoints a designee to review the decision, the commissioner shall not appoint as a designee an employee of the department's unemployment insurance program. The decision of 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.



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

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

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

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

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

(b) An employer or an employing unit having an interest in a claim for benefits pending before an administrative law judge, **before January 1, 2020, 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 review board, or other individuals who adjudicate claims may be represented by:

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

(2) an attorney;

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

or

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

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

(1) the claimant in person;

(2) an attorney;



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

or

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

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

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

(b) The department shall provide at least annually to all administrative law judges, review board members, and other individuals who adjudicate claims training concerning:

(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.

(c) The department regularly shall monitor the hearings and decisions of its administrative law judges, review board members, and other individuals who adjudicate claims to ensure that the hearings and decisions strictly comply with the law and the rules described in subsection (b).

(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.

3 (5) In the case of a hearing before the review board, the issue to
4 be adjudicated does not require both parties to be present.

5 (6) In the case of a hearing before the review board, the review
6 board has determined that a hearing by telephone is proper and
7 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.



(f) The appellant shall attach to the transcript an assignment of errors. An assignment of errors that the decision of the review board is contrary to law shall be sufficient to present both the sufficiency of the facts found to sustain the decision and the sufficiency of the evidence to sustain the findings of facts. In any appeal under this section, no bond shall be required for entering the appeal.

(g) All appeals shall be considered as submitted upon the date filed in the court of appeals, shall be advanced upon the docket of the court, and shall be determined without delay in the order of priority. Upon the final determination of the appeal, the review board shall enter an order in accordance with the determination, and the decision shall be final. The court of appeals may in any appeal remand the proceeding to the review board for the taking of additional evidence, setting time limits therefor, and ordering the additional evidence to be certified by the review board to the court of appeals to be used in the determination of the cause.

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

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

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

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

(b) Except as provided in subsections (d) and (f), information 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
 21 Indiana 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



- 1 (C) a public official for use in the performance of the public
- 2 official's duties;
- 3 only if there is an agreement that the information will be kept
- 4 confidential and used for legitimate governmental purposes.
- 5 (e) The department may make information available under
- 6 subsection (d) only:
- 7 (1) if:
- 8 (A) data provided in summary form cannot be used to identify
- 9 information relating to a specific employer or specific
- 10 employee; or
- 11 (B) there is an agreement that the employer specific
- 12 information released will be treated as confidential and will be
- 13 released only in summary form that cannot be used to identify
- 14 information relating to a specific employer or a specific
- 15 employee; and
- 16 (2) after the cost of making the information available to the
- 17 person requesting the information is paid under IC 5-14-3.
- 18 (f) In addition to the confidentiality provisions of subsection (b), the
- 19 fact that a claim has been made under IC 22-4-15-1(c)(8) and any
- 20 information furnished by the claimant or an agent to the department to
- 21 verify a claim of domestic or family violence are confidential.
- 22 Information concerning the claimant's current address or physical
- 23 location shall not be disclosed to the employer or any other person.
- 24 Disclosure is subject to the following additional restrictions:
- 25 (1) The claimant must be notified before any release of
- 26 information.
- 27 (2) Any disclosure is subject to redaction of unnecessary
- 28 identifying information, including the claimant's address.
- 29 (g) An employee:
- 30 (1) of the department who recklessly violates subsection (a), (c),
- 31 (d), (e), or (f); or
- 32 (2) of any governmental entity listed in subsection (d)(4) who
- 33 recklessly violates subsection (d)(4);
- 34 commits a Class B misdemeanor.
- 35 (h) An employee of the Indiana economic development corporation,
- 36 the budget agency, or the legislative services agency who violates
- 37 subsection (d) or (e) commits a Class B misdemeanor.
- 38 (i) An employer or agent of an employer that becomes aware that a
- 39 claim has been made under IC 22-4-15-1(c)(8) shall maintain that
- 40 information as confidential.
- 41 (j) The department may charge a reasonable processing fee not to
- 42 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**
 10 **administrative law judge assigned by the office of administrative**
 11 **proceedings established by IC 4-15-10.5-6**, or the duly authorized
 12 representative of any of them, to produce or permit the examination or
 13 copying of any book, paper, account, record, or other data pertaining to
 14 payrolls or employment or ownership of interests or stock in any
 15 employing unit, or bearing upon the correctness of any contribution
 16 report, or for the purpose of making a report as required by this article
 17 where none has been made, then and in that event the department, the
 18 review board, ~~or before January 1, 2020~~, the administrative law judge,
 19 **or, after December 31, 2019, an administrative law judge assigned**
 20 **by the office of administrative proceedings established by**
 21 **IC 4-15-10.5-6**, or the duly authorized representative of any of them,
 22 may by issuance of a subpoena require the attendance of such
 23 employing unit, or any officer, member, or agent thereof or any other
 24 person having possession of the records thereof, and take testimony
 25 with respect to any such matter and may require any such person to
 26 produce any books or records specified in such subpoena.

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**
 42 **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



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

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

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

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

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

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

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

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



empower these agencies and councils to:

(1) study the problems of discrimination in the areas covered by section 2 of this chapter when based on race, religion, color, sex, handicap, national origin, or ancestry; and

(2) foster through community effort, or otherwise, good will among the groups and elements of the population of the state.

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

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

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

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

(i) The commission may:

(1) before January 1, 2020, appoint administrative law judges other than commissioners; and

(2) after December 31, 2019, request assignment of an administrative law judge by the office of administrative proceedings established by IC 4-15-10.5-6;

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



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

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

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

(2) to require the posting of notice setting forth the public policy of Indiana concerning civil rights and **the** respondent's compliance with the policy in places of public accommodations;

(3) to require proof of compliance to be filed by **the** respondent at periodic intervals; and

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

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

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

(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
 41 chapter or with any license already granted; or

42 (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



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

(A) occurred before; or

(B) is occurring on;

the date the opinion or determination is requested.

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

(A) processing applications for:

(i) licenses under this chapter; and

(ii) renewals of licenses under this chapter; and

(B) performing other services that the commissioner determines are necessary for the orderly administration of the division's licensing system.

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

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

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

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

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

(g) In any prosecution, action, suit, or proceeding based upon or arising out of or under the provisions of this article, a certificate duly signed by the commissioner showing compliance or noncompliance with the provisions of this article, respecting the security in question or respecting compliance or noncompliance of this article, by any issuer, broker-dealer, investment advisor, or agent, shall constitute prima facie evidence of compliance or noncompliance with the provisions of this article, as the case may be, and shall be admissible in evidence in any action at law or in equity to enforce this article.

(h) Each witness who shall appear before the commissioner or a hearing officer appointed by the commissioner by order shall receive 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.

