



January 27, 2016

SENATE BILL No. 1

DIGEST OF SB 1 (Updated January 25, 2016 4:16 pm - DI 106)

Citations Affected: IC 2-5.

Synopsis: Administrative law study commission. Establishes the 12 member administrative law study commission (commission) to study issues concerning whether administrative law judges and environmental law judges should be replaced by an administrative court that conducts administrative hearings and other duties currently conducted by administrative law judges and environmental law judges. Requires the commission to submit a final report to the legislative council concerning the commission's findings and recommendations before November 1, 2016.

Effective: Upon passage.

Steele

January 5, 2016, read first time and referred to Committee on Judiciary.
January 26, 2016, amended, reported favorably — Do Pass.

SB 1—LS 6137/DI 69



January 27, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 1

A BILL FOR AN ACT to amend the Indiana Code concerning administrative law.

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

1 SECTION 1. IC 2-5-40 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 40. Administrative Law Study Commission**

5 **Sec. 1. As used in this chapter, "commission" refers to the**
6 **administrative law study commission established by section 2 of**
7 **this chapter.**

8 **Sec. 2. The administrative law study commission is established.**

9 **Sec. 3. (a) The commission is comprised of the following**
10 **members:**

11 **(1) Two (2) members of the senate appointed by the president**
12 **pro tempore of the senate.**

13 **(2) Two (2) members of the senate appointed by the minority**
14 **leader of the senate.**

15 **(3) Two (2) members of the house of representatives**
16 **appointed by the speaker of the house of representatives.**

17 **(4) Two (2) members of the house of representatives**

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1 appointed by the minority leader of the house of
2 representatives.

3 (5) One (1) attorney in good standing admitted to the practice
4 of law in Indiana with experience in practicing administrative
5 law appointed by the president pro tempore of the senate.

6 (6) One (1) attorney in good standing admitted to the practice
7 of law in Indiana with experience in practicing administrative
8 law appointed by the speaker of the house of representatives.

9 (7) Two (2) current or former administrative law judges
10 appointed by the governor.

11 (b) The chairperson of the legislative council shall designate one
12 (1) legislative member of the commission to serve as the
13 chairperson of the commission.

14 Sec. 4. (a) An appointed member of the commission serves at the
15 pleasure of the authority who appointed the member. If a member
16 ceases to have the qualifications set forth in this chapter for the
17 position to which the member was appointed, the member's term
18 ends and a vacancy is created.

19 (b) A vacancy on the commission in the position of an appointed
20 member shall be filled by the appointment of a new member to the
21 position by the authority entitled under section 3(a) of this chapter
22 to make appointments to the position.

23 Sec. 5. (a) Each member of the commission who is not a state
24 employee is entitled to the minimum salary per diem provided by
25 IC 4-10-11-2.1(b). The member is also entitled to reimbursement
26 for traveling expenses as provided under IC 4-13-1-4 and other
27 expenses actually incurred in connection with the member's duties
28 as provided in the state policies and procedures established by the
29 Indiana department of administration and approved by the budget
30 agency.

31 (b) Each member of the commission who is a state employee but
32 who is not a member of the general assembly is entitled to
33 reimbursement for traveling expenses as provided under
34 IC 4-13-1-4 and other expenses actually incurred in connection
35 with the member's duties as provided in the state policies and
36 procedures established by the Indiana department of
37 administration and approved by the budget agency.

38 (c) Each member of the commission who is a member of the
39 general assembly is entitled to receive the same per diem, mileage,
40 and travel allowances paid to legislative members of interim study
41 committees. Per diem, mileage, and travel allowances paid under
42 this section shall be paid from appropriations made to the



1 legislative council or the legislative services agency.

2 **Sec. 6. The affirmative votes of a majority of the members**
 3 **appointed to the commission are required for the commission to**
 4 **take action on any measure, including approval of a final report.**

5 **Sec. 7. (a) The commission shall study and evaluate the**
 6 **following:**

7 **(1) Whether administrative law judges and environmental law**
 8 **judges should be replaced by an administrative court that**
 9 **conducts administrative hearings and other duties currently**
 10 **conducted by administrative law judges and environmental**
 11 **law judges.**

12 **(2) If an administrative court is established:**

13 **(A) the average number of cases the administrative court**
 14 **would hear in a calendar year;**

15 **(B) the process that should be used to select judges for the**
 16 **administrative court;**

17 **(C) the appropriate number of judges and staff persons**
 18 **that would be required to serve the administrative court**
 19 **based on the caseload of the court;**

20 **(D) the proper procedures for the operation of the**
 21 **administrative court;**

22 **(E) issues concerning the transition from the use of**
 23 **administrative law judges and environmental law judges**
 24 **to the establishment of an administrative court; and**

25 **(F) any other issues the commission considers relevant to**
 26 **the establishment of an administrative court.**

27 **(b) The commission shall send a final report concerning the**
 28 **commission's findings and recommendations to the legislative**
 29 **council before November 1, 2016. A final report sent under this**
 30 **subsection to the legislative council must be in an electronic format**
 31 **under IC 5-14-6.**

32 **Sec. 8. This chapter expires January 2, 2017.**

33 **SECTION 2. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 8, Nays 0.

