

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WITHDRAWN	Noes _____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

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

MR. SPEAKER:

I move that Engrossed Senate Bill 23 be amended to read as follows:

- 1 Page 51, delete line 32, begin a new paragraph and insert:
- 2 "SECTION 22. IC 22-4-17-6, AS AMENDED BY P.L.175-2009,
- 3 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 6. (a) The manner in which disputed claims
- 5 shall be presented and the conduct of hearings and appeals, including
- 6 the conduct of administrative law judges, review board members, and
- 7 other individuals who adjudicate claims during a hearing or other
- 8 adjudicative process, shall be in accordance with rules adopted by the
- 9 department for determining the rights of the parties, whether or not the
- 10 rules conform to common law or statutory rules of evidence and other
- 11 technical rules of procedure. **However, a hearing may not be**
- 12 **conducted by combining more than one (1) appeal by different**
- 13 **parties for a determination.**
- 14 (b) A full and complete record shall be kept of all proceedings in
- 15 connection with a disputed claim. The testimony at any hearing upon
- 16 a disputed claim need not be transcribed unless the disputed claim is
- 17 further appealed.
- 18 (c) Each party to a hearing before an administrative law judge held
- 19 under section 3 of this chapter shall be mailed a notice of the hearing
- 20 at least ten (10) days before the date of the hearing specifying the date,
- 21 place, and time of the hearing, identifying the issues to be decided, and
- 22 providing complete information about the rules of evidence and
- 23 standards of proof that the administrative law judge will use to
- 24 determine the validity of the claim.

1           **(d) Each party has the right to:**  
2           **(1) be present; and**  
3           **(2) provide evidence;**  
4           **at the hearing.**  
5           ~~(d)~~ **(e)** If a hearing so scheduled has not commenced within at least  
6 sixty (60) minutes of the time for which it was scheduled, then a party  
7 involved in the hearing may request a continuance of the hearing. Upon  
8 submission of a request for continuance of a hearing under  
9 circumstances provided in this section, the continuance shall be  
10 granted unless the party requesting the continuance was responsible for  
11 the delay in the commencement of the hearing as originally scheduled.  
12 In the latter instance, the continuance shall be discretionary with the  
13 administrative law judge. Testimony or other evidence introduced by  
14 a party at a hearing before an administrative law judge or the review  
15 board that another party to the hearing:  
16           (1) is not prepared to meet; and  
17           (2) by ordinary prudence could not be expected to have  
18           anticipated;  
19 shall be good cause for continuance of the hearing and upon motion  
20 such continuance shall be granted."  
21           Page 52, delete lines 33 through 37.  
22           Renumber all SECTIONS consecutively.  
              (Reference is to ESB 23 as printed February 19, 2010.)

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Representative Cheatham