

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WITHDRAWN	Noes _____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.
- 12 (b) A full and complete record shall be kept of all proceedings in
- 13 connection with a disputed claim. The testimony at any hearing upon
- 14 a disputed claim need not be transcribed unless the disputed claim is
- 15 further appealed.
- 16 (c) Each party to a hearing before an administrative law judge held
- 17 under section 3 of this chapter shall be mailed a notice of the hearing
- 18 **by certified mail** at least ten (10) days before the date of the hearing
- 19 specifying the date, place, and time of the hearing, identifying the
- 20 issues to be decided, and providing complete information about the
- 21 rules of evidence and standards of proof that the administrative law
- 22 judge will use to determine the validity of the claim.
- 23 (d) If a hearing so scheduled has not commenced within at least
- 24 sixty (60) minutes of the time for which it was scheduled, then a party

1 involved in the hearing may request a continuance of the hearing. Upon  
2 submission of a request for continuance of a hearing under  
3 circumstances provided in this section, the continuance shall be  
4 granted unless the party requesting the continuance was responsible for  
5 the delay in the commencement of the hearing as originally scheduled.  
6 In the latter instance, the continuance shall be discretionary with the  
7 administrative law judge. Testimony or other evidence introduced by  
8 a party at a hearing before an administrative law judge or the review  
9 board that another party to the hearing:

10 (1) is not prepared to meet; and

11 (2) by ordinary prudence could not be expected to have  
12 anticipated;

13 shall be good cause for continuance of the hearing and upon motion  
14 such continuance shall be granted.

15 **(f) A claim made by a party by motion to the department that a**  
16 **decision of an administrative law judge has been made without**  
17 **proper notice of the hearing required under subsection (c) stays the**  
18 **determination of the adjudicating administrative law judge until**  
19 **the issue of providing proper notice is decided by a separate**  
20 **administrative law judge. The department has the burden of proof**  
21 **that the requirements of subsection (c) have been satisfied."**

22 Page 52, delete lines 33 through 37.

23 Renumber all SECTIONS consecutively.

(Reference is to ESB 23 as printed February 19, 2010.)

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Representative Cheatham