

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WITHDRAWN	Noes _____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.
- 2 Page 51, between lines 33 and 34, begin a new paragraph and insert:
- 3 "SECTION 22. IC 22-4-17-4, AS AMENDED BY P.L.175-2009,
- 4 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2010]: Sec. 4. (a) The department shall employ one (1) or
- 6 more administrative law judges to hear and decide disputed claims.
- 7 **After June 30, 2010, an individual employed as an administrative**
- 8 **law judge under this section must be an attorney admitted to the**
- 9 **practice of law before the Indiana supreme court.** Administrative
- 10 law judges employed under this section are not subject to IC 4-21.5 or
- 11 any other statute regulating administrative law judges, unless
- 12 specifically provided.
- 13 (b) The department shall provide at least annually to all
- 14 administrative law judges, review board members, and other
- 15 individuals who adjudicate claims training concerning:
- 16 (1) unemployment compensation law;
- 17 (2) rules for the conduct of hearings and appeals; and
- 18 (3) rules of conduct for administrative law judges, review board
- 19 members, and other individuals who adjudicate claims during a
- 20 hearing or other adjudicative process.
- 21 (c) The department regularly shall monitor the hearings and
- 22 decisions of its administrative law judges, review board members, and
- 23 other individuals who adjudicate claims to ensure that the hearings and
- 24 decisions strictly comply with the law and the rules described in

1 subsection (b).

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

9 SECTION 23. IC 22-4-32-1, AS AMENDED BY P.L.108-2006,
10 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2010]: Sec. 1. **(a)** A liability administrative law judge shall
12 hear all matters pertaining to:

- 13 (1) the assessment of contributions, penalties, and interest;
14 (2) which accounts, if any, benefits paid, or finally ordered to be
15 paid, should be charged;
16 (3) successorships, and related matters arising therefrom,
17 including but not limited to:
18 (A) the transfer of accounts;
19 (B) the determination of rates of contribution; and
20 (C) determinations under IC 22-4-11.5; and
21 (4) claims for refunds of contributions, skills 2016 training
22 assessments, or adjustments thereon in connection with
23 subsequent contribution payments and skills 2016 training
24 assessments;

25 for which an employing unit has timely filed a protest under section 4
26 of this chapter.

27 **(b) After June 30, 2010, an individual employed as an**
28 **administrative law judge to hear the matters described in**
29 **subsection (a) must be an attorney admitted to the practice of law**
30 **before the Indiana supreme court."**

31 Renumber all SECTIONS consecutively.

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

Representative Stilwell