

PROPOSED AMENDMENT

HB 1003 # 3

DIGEST

Administrative law. Creates requirements for administrative law judges that are assigned to certain environmental matters. Provides that the inability to obtain the record from the office of administrative law proceedings or ultimate authority within the time permitted is good cause. Provides that until the office of administrative law proceedings adopts or amends rules related to environmental matters, it must continue to follow and implement rules under 315 IAC. Requires the office of administrative law proceedings to continue to index and make publicly available, in a substantially similar online searchable format, the final orders of contested appeals currently maintained by the office.

- 1 Page 3, between lines 26 and 27, begin a new paragraph and insert:
2 **"(b) If the case involves:**
3 **(1) adjudication of:**
4 **(A) air pollution control laws (as defined in IC 13-11-2-6);**
5 **(B) water pollution control laws (as defined in**
6 **IC 13-11-2-261);**
7 **(C) environmental management laws (as defined in**
8 **IC 13-11-2-71); or**
9 **(D) solid waste and hazardous waste management laws**
10 **under IC 13-19;**
11 **(2) rules of a board described in IC 13-14-9-1;**
12 **(3) the financial assurance board created by IC 13-23-11-1; or**
13 **(4) any agency action of the department of environmental**
14 **management;**
15 **the administrative law judge assigned by the office of**
16 **administrative law proceedings must meet the requirements listed**
17 **under subsection (c).**
18 **(c) An administrative law judge assigned under subsection (b)**
19 **must:**
20 **(1) be a citizen of Indiana;**
21 **(2) be an attorney in good standing admitted to practice in**
22 **Indiana;**

- 1 **(3) have at least five (5) years of experience practicing**
 2 **environmental or administrative law;**
 3 **(4) be independent of the agency;**
 4 **(5) meet the qualifications specific to environmental law as**
 5 **determined by the office of administrative law proceedings'**
 6 **training program; and**
 7 **(6) be one (1) of three (3) administrative law judges in the**
 8 **office of administrative law proceedings designated to hear**
 9 **environmental matters."**

10 Page 3, line 27, strike "(b)" and insert "(d)".

11 Page 3, line 30, strike "(c)" and insert "(e)".

12 Page 3, line 39, strike "(d)." and insert "(f)".

13 Page 3, line 40, strike "(d)" and insert "(f)".

14 Page 4, line 3, strike "(e)" and insert "(g)".

15 Page 4, line 21, strike "(f)" and insert "(h)".

16 Page 4, line 24, strike "(g)" and insert "(i)".

17 Page 4, line 27, strike "(h)" and insert "(j)".

18 Page 5, between lines 27 and 28, begin a new line block indented
 19 and insert:

20 **"(1) section 9(c) of this chapter, if the case involves an**
 21 **environmental matter described in section 9(b) of this**
 22 **chapter;"**.

23 Page 5, line 28, reset in roman "(2)".

24 Page 5, line 28, delete "(1)".

25 Page 5, line 30, reset in roman "(3)".

26 Page 5, line 30, delete "(2)".

27 Page 7, line 24, after "frivolous" delete ";".

28 Page 7, line 24, reset in roman "or groundless;"

29 Page 10, line 22, delete "agency" and insert "**office or ultimate**
 30 **authority"**.

31 Page 10, line 35, delete "If the petitioner is the agency, failure" and
 32 insert "Failure".

33 Page 10, line 38, after "court," insert "**unless good cause is shown"**.

34 Page 10, line 39, after "proceeding," insert "**The inability to obtain**
 35 **the record from the office or ultimate authority within the time**
 36 **permitted by this section is good cause."**

37 Page 21, between lines 34 and 35, begin a new paragraph and insert:

38 **"(k) Until the office of administrative law proceedings adopts or**
 39 **amends rules related to environmental matters, the office must**
 40 **continue to follow and implement rules under 315 IAC.**

1 **(l) The office of administrative law proceedings must continue**
2 **to index and make publicly available, in a substantially similar**
3 **online searchable format, the final orders of contested appeals**
4 **currently maintained by the office."**

5 Page 21, line 35, delete "(k)" and insert "**(m)**".
 (Reference is to HB 1003 as introduced.)