

IC 2-5-40

Chapter 40. Administrative Law Study Commission

IC 2-5-40-1

"Commission"

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

As added by P.L.11-2016, SEC.1.

IC 2-5-40-2

Administrative law study commission established

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

As added by P.L.11-2016, SEC.1.

IC 2-5-40-3

Members; chairperson

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

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

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

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

(4) Two (2) members of the house of representatives appointed by the minority leader of the house of representatives.

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

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

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

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

As added by P.L.11-2016, SEC.1.

IC 2-5-40-4

Vacancies

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

(b) A vacancy on the commission in the position of an appointed

member shall be filled by the appointment of a new member to the position by the authority entitled under section 3(a) of this chapter to make appointments to the position.

As added by P.L.11-2016, SEC.1.

IC 2-5-40-5

Per diem; travel expenses

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

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

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

As added by P.L.11-2016, SEC.1.

IC 2-5-40-6

Voting

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

As added by P.L.11-2016, SEC.1.

IC 2-5-40-7

Study topics; final report

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

(1) 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.

(2) If an administrative court is established:

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

(B) the process that should be used to select judges for the

administrative court;

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

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

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

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

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

As added by P.L.11-2016, SEC.1.

IC 2-5-40-8

Expiration of chapter

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

As added by P.L.11-2016, SEC.1.