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**FISCAL IMPACT STATEMENT**

**LS 6336**

**BILL NUMBER:** SB 67

**NOTE PREPARED:** Apr 5, 2011

**BILL AMENDED:** Jan 24, 2011

**SUBJECT:** Procedures in Administrative Proceedings.

**FIRST AUTHOR:** Sen. Gard

**FIRST SPONSOR:** Rep. McMillin

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:**  **GENERAL**  
 **DEDICATED**  
 **FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill establishes additional grounds for disqualification of an administrative law judge and replacement procedures. It provides that the proceedings before an administrative law judge are *de novo*.

This bill conforms summary judgment procedures and electronic service procedures in an administrative proceeding to the procedures under the Indiana Rules of Trial Procedure. It provides that settlement of an administrative matter results in the issuance of a final order that effectuates the settlement. It requires additional limited proceedings if the settlement of the matter includes the modification of an environmental permit. The bill also provides that an environmental law judge has the same authority and responsibilities as an administrative law judge.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** *Electronic Service Procedures:* This bill includes electronic mail, or any other method approved by the Indiana Rules of Court to the list of methods that papers shall be served for administrative proceedings. However, initial notice of a determination, a petition for review of an agency, and complaints filed in accordance with IC 4-21.5-3-8 must still be served by United States mail or personal service. To the extent that state agencies utilize electronic methods for the serving of papers, they could experience a decrease in expenses.

*Summary Judgment Procedures:* This bill conforms summary judgement procedures for administrative proceedings to the procedures under Trial Rule 56 of the Indiana Rules of Trial Procedure. This change may assist in a more efficient process as currently proceedings must conform to statute and Trial Rule 56, and

there are some differences between these procedures.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** All.

**Local Agencies Affected:**

**Information Sources:**

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