

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1280 be amended to read as follows:

- 1 Page 11, between lines 3 and 4, begin a new paragraph and insert:
2 "SECTION 15. IC 4-21.5-3-1, AS AMENDED BY P.L.32-2011,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 1. (a) This section applies to:
5 (1) the giving of any notice;
6 (2) the service of any motion, ruling, order, or other filed item; or
7 (3) the filing of any document with the ultimate authority;
8 in an administrative proceeding under this article.
9 (b) Except as provided in subsection (c) or as otherwise provided by
10 law, a person shall serve papers by:
11 (1) United States mail;
12 (2) personal service;
13 (3) electronic mail; or
14 (4) any other method approved by the Indiana Rules of Trial
15 Procedure.
16 (c) The following shall be served by United States mail or personal
17 service:
18 (1) The initial notice of a determination under section ~~4, 5, or 6~~ of
19 this chapter.
20 (2) A petition for review of an agency action under section 7 of
21 this chapter.
22 (3) A complaint under section 8 of this chapter.
23 (d) The agency shall keep a record of the time, date, and
24 circumstances of the service under subsection (b) or (c).

1 (e) Service shall be made on a person or on the person's counsel or
 2 other authorized representative of record in the proceeding. Service on
 3 an artificial person or a person incompetent to receive service shall be
 4 made on a person allowed to receive service under the rules governing
 5 civil actions in the courts. If an ultimate authority consists of more than
 6 one (1) individual, service on that ultimate authority must be made on
 7 the chairperson or secretary of the ultimate authority. A document to
 8 be filed with that ultimate authority must be filed with the chairperson
 9 or secretary of the ultimate authority.

10 (f) If the current address of a person is not ascertainable, service
 11 shall be mailed to the last known address where the person resides or
 12 has a principal place of business. If the identity, address, or existence
 13 of a person is not ascertainable, or a law other than a rule allows,
 14 service shall be made by a single publication in a newspaper of general
 15 circulation in:

16 (1) the county in which the person resides, has a principal place
 17 of business, or has property that is the subject of the proceeding;
 18 or

19 (2) Marion County, if the place described in subdivision (1) is not
 20 ascertainable or the place described in subdivision (1) is outside
 21 Indiana and the person does not have a resident agent or other
 22 representative of record in Indiana.

23 (g) A notice given by publication must include a statement advising
 24 a person how the person may receive written notice of the proceedings.

25 (h) The filing of a document with an ultimate authority is
 26 complete on the earliest of the following dates that apply to the
 27 filing:

28 (1) The date on which the document is delivered to the ultimate
 29 authority under subsection (b), (c), or (e).

30 (2) The date of the postmark on the envelope containing the
 31 document, if the document is mailed to the ultimate authority by
 32 United States mail.

33 (3) The date on which the document is deposited with a private
 34 carrier, as shown by a receipt issued by the carrier, if the
 35 document is sent to the ultimate authority by private carrier."

36 Renumber all SECTIONS consecutively.

(Reference is to HB 1280 as printed January 23, 2012.)

Representative Koch