

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1207 be amended to read as follows:

1 Page 3, delete lines 33 through 42, begin a new paragraph and
2 insert:
3 "SECTION 5. IC 4-21.5-7-6, AS AMENDED BY P.L.99-2005,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 6. (a) An environmental law judge hired after July
6 1, 1995, and the director must:
7 (1) be attorneys admitted to the bar of Indiana;
8 (2) have at least five (5) years of experience practicing
9 administrative or environmental law in Indiana;
10 (3) be independent of the department of environmental
11 management; and
12 (4) be subject to all provisions applicable to an administrative law
13 judge under this article.
14 (b) The director or an environmental law judge may be removed for
15 cause under:
16 (1) this article;
17 (2) ~~IC 4-15-2~~, **IC 4-15-2.2**, through application of the standards
18 for removal for **just** cause of a person in the state **classified**
19 service (as ~~defined described~~ in ~~IC 4-15-2-3.8~~); **IC 4-15-2.2-23**;
20 or
21 (3) applicable provisions of the code of judicial conduct.
22 (c) The director may appoint a special environmental law judge. The
23 special environmental law judge must meet the requirements of
24 subsection (a)."
25 Page 4, delete lines 1 through 11.
26 Page 23, delete lines 29 through 42, begin a new paragraph and
27 insert:
28 "SECTION 41. IC 14-10-2-2, AS AMENDED BY P.L.99-2005,
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2012]: Sec. 2. (a) The commission shall appoint
 2 administrative law judges. An administrative law judge:
 3 (1) is subject to ~~IC 4-15-2~~; **IC 4-15-2.2**; and
 4 (2) may be removed for cause under:
 5 (A) IC 4-21.5;
 6 (B) ~~IC 4-15-2~~, **IC 4-15-2.2**, through application of the
 7 standards for removal for **just** cause of a person in the state
 8 **classified** service (as ~~defined~~ **described** in ~~IC 4-15-2-3.8~~;
 9 **IC 4-15-2.2-23**); or
 10 (C) applicable provisions of the code of judicial conduct.
 11 (b) The commission shall create a division of hearings. The division
 12 of hearings shall assist the commission in performing the functions of
 13 this section. The director of the division of hearings may appoint a
 14 special administrative law judge.
 15 (c) A person who is not appointed by:
 16 (1) the director of the division of hearings; or
 17 (2) the commission;
 18 may not act as an administrative law judge."
 19 Page 24, delete lines 1 through 5.
 20 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1207 as printed February 17, 2012.)

Senator TALLIAN