

HOUSE BILL No. 1466

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-15-10.5; IC 4-21.5; IC 9-32; IC 14-10-2; IC 14-11; IC 14-15-3-11; IC 14-21-1-17; IC 14-22; IC 14-24; IC 14-25; IC 14-25.5; IC 14-26-2-24; IC 14-27; IC 14-28-1; IC 14-30.5-2; IC 14-31-3-11; IC 14-33-6-4; IC 14-34; IC 14-36-1-32; IC 14-37; IC 14-39-1-11; IC 23-19; IC 25-1-7; IC 25-2.1-9-4; IC 25-17.6-9-1; IC 25-31.5-9-1; IC 27-1-15.6-29.5; IC 31-27-7-5; IC 31-33-26-13.

Synopsis: Various agency administrative procedures. Provides that the department of natural resources is subject to the jurisdiction of the office of administrative law proceedings. Provides that the office of administrative law proceedings is not the ultimate authority, and the secretary of family and social services is the ultimate authority, in an administrative law matter that involves a Medicaid applicant or beneficiary appeals. Provides that in Medicaid applicant eligibility cases, except in certain circumstances, the order from the administrative law judge is final after 61 days without further affirmation from the ultimate authority. Provides that the review of certain professional disciplinary reviews are not subject to the office of administrative law proceedings. Sets forth the process to select a hearing officer for the professional disciplinary reviews. Makes changes to securities and motor vehicle dealer services statutes to be consistent with the jurisdiction of the office of administrative law proceedings. Provides that the department of child services (DCS) is the ultimate authority of the review of decisions concerning residential child care base rates. Removes the duty of DCS to adopt rules concerning the administrative review by DCS of a proposed or approved substantiated report of child abuse or neglect, before or after an administrative hearing is available or conducted. Makes conforming changes.

Effective: July 1, 2025.

**Meltzer, Steuerwald, Jeter,
Zimmerman**

January 21, 2025, read first time and referred to Committee on Judiciary.



First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1466

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-15-10.5-2, AS AMENDED BY P.L.128-2024,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 2. This chapter does not apply to:
4 (1) the department of workforce development;
5 (2) the unemployment insurance review board of the department
6 of workforce development;
7 (3) the worker's compensation board of Indiana;
8 (4) the Indiana utility regulatory commission;
9 (5) the department of state revenue;
10 (6) the department of local government finance;
11 (7) the Indiana board of tax review;
12 ~~(8) the natural resources commission;~~
13 ~~(9)~~ (8) the Indiana education employment relations board;
14 ~~(+0)~~ (9) the state employees appeals commission; or
15 ~~(+1)~~ (10) before July 1, 2022, any other agency or category of
16 proceeding determined by the governor to be exempt from this
17 chapter for good cause.



1 SECTION 2. IC 4-15-10.5-12, AS AMENDED BY P.L.128-2024,
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2025]: Sec. 12. (a) Except as provided in sections 1 and 2 of
 4 this chapter, the office has jurisdiction over all administrative
 5 proceedings concerning agency administrative actions under:

6 (1) IC 4-21.5; or

7 (2) any other statute that requires or allows the office to take
 8 action.

9 (b) Except as provided in subsection (c), the office is the ultimate
 10 authority in any administrative proceeding under its jurisdiction.
 11 Judicial review under IC 4-21.5 shall be taken directly from a final
 12 decision of the office.

13 (c) The office is not the ultimate authority if:

14 (1) a particular agency or agency action is exempted under
 15 Indiana law; ~~or~~

16 (2) an agency is required by federal mandate, as a condition of
 17 federal funding, to conduct or render a final order in an
 18 adjudication; ~~or~~

19 **(3) pursuant to 42 CFR 431.10, the matter involves a**
 20 **Medicaid applicant or beneficiary appeals.**

21 SECTION 3. IC 4-21.5-1-15, AS AMENDED BY P.L.128-2024,
 22 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2025]: Sec. 15. Subject to IC 4-15-10.5-12, "ultimate
 24 authority" means:

25 (1) for an administrative proceeding under the office of
 26 administrative law proceedings, the office of administrative law
 27 proceedings; ~~or~~

28 **(2) for a Medicaid applicant or a member appeal, the**
 29 **secretary of family and social services, as set forth in**
 30 **IC 12-8-6.5-6, or the secretary's designee; or**

31 ~~(2)~~ **(3)** for any other purpose, an individual or panel of individuals
 32 in whom the final authority of an agency is vested by law or
 33 executive order.

34 SECTION 4. IC 4-21.5-3-10, AS AMENDED BY P.L.128-2024,
 35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2025]: Sec. 10. (a) An administrative law judge is subject to
 37 disqualification for:

38 (1) bias, prejudice, or interest in the outcome of a proceeding;

39 (2) failure to dispose of the subject of a proceeding in an orderly
 40 and reasonably prompt manner after a written request by a party;

41 (3) unless waived or extended with the written consent of all
 42 parties or for good cause shown, failure to issue an order not later



1 than ninety (90) days after the latest of:

2 (A) the filing of a motion to dismiss or a motion for summary
3 judgment under section 23 of this chapter that is filed after
4 June 30, 2011;

5 (B) the conclusion of a hearing that begins after June 30, 2011;
6 or

7 (C) the completion of any schedule set for briefing or for
8 submittal of proposed findings of fact and conclusions of law
9 for a disposition under clauses (A) or (B); or

10 (4) any cause for which a judge of a court may be disqualified.

11 Before July 1, 2020, nothing in this subsection prohibits an individual
12 who is an employee of an agency from serving as an administrative law
13 judge.

14 (b) This subsection does not apply to a proceeding concerning a
15 regulated occupation (as defined in IC 25-1-7-1), except for a
16 proceeding concerning a water well driller (as described in IC 25-39-3)
17 or an out of state mobile health care entity regulated by the Indiana
18 department of health. **Subject to subsection (d)**, an individual who is
19 disqualified under subsection (a)(2) or (a)(3) shall provide the parties
20 a list of at least three (3) special administrative law judges who meet
21 the requirements of:

22 (1) section 9(c) of this chapter, if the case involves an
23 environmental matter described in section 9(b) of this chapter; **or**

24 ~~(2) IC 14-10-2-2, if the case is pending before the division of~~
25 ~~hearings of the natural resources commission; or~~

26 ~~(3) (2) subject to subsection (d), any other statute or rule~~
27 ~~governing qualification to serve an agency. other than those~~
28 ~~described in subdivision (1) or (2).~~

29 Subject to subsection (c), the parties may agree to the selection of one
30 (1) individual from the list.

31 (c) If the parties do not agree to the selection of an individual as
32 provided in subsection (b) not later than ten (10) days after the parties
33 are provided a list of judges under subsection (b), a special
34 administrative law judge who meets the requirements of subsection (b)
35 shall be selected under the procedure set forth in Trial Rule 79(D).

36 (d) This subsection applies after June 30, 2020, to an agency whose
37 proceedings are subject to the jurisdiction of the office of
38 administrative law proceedings. If an administrative law judge is
39 disqualified under this section, the director of the office of
40 administrative law proceedings shall assign another administrative law
41 judge.

42 SECTION 5. IC 4-21.5-3-27, AS AMENDED BY P.L.128-2024,



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2025]: Sec. 27. (a) If the administrative law judge is the
3 ultimate authority for the agency **or the matter involves a Medicaid**
4 **applicant's eligibility**, the ~~ultimate authority's~~ **administrative law**
5 **judge's** order disposing of a proceeding is a final order. If the
6 administrative law judge is not the ultimate authority, the
7 administrative law judge's order disposing of the proceeding becomes
8 a final order when affirmed under section 29 of this chapter. Regardless
9 of whether the order is final, it must comply with this section.

10 (b) This subsection applies only to an order not subject to subsection
11 (c). The order must include, separately stated, findings of fact for all
12 aspects of the order, including the remedy prescribed and, if applicable,
13 the action taken on a petition for stay of effectiveness. Findings of
14 ultimate fact must be accompanied by a concise statement of the
15 underlying basic facts of record to support the findings. The order must
16 also include a statement of the available procedures and time limit for
17 seeking administrative review of the order (if administrative review is
18 available) and the procedures and time limits for seeking judicial
19 review of the order under IC 4-21.5-5.

20 (c) This subsection applies only to an order of the ultimate authority
21 entered under IC 13, IC 14, or IC 25. The order must include separately
22 stated findings of fact and, if a final order, conclusions of law for all
23 aspects of the order, including the remedy prescribed and, if applicable,
24 the action taken on a petition for stay of effectiveness. Findings of
25 ultimate fact must be accompanied by a concise statement of the
26 underlying basic facts of record to support the findings. Conclusions of
27 law must consider prior final orders (other than negotiated orders) of
28 the ultimate authority under the same or similar circumstances if those
29 prior final orders are raised on the record in writing by a party and must
30 state the reasons for deviations from those prior orders. The order must
31 also include a statement of the available procedures and time limit for
32 seeking administrative review of the order (if administrative review is
33 available) and the procedures and time limits for seeking judicial
34 review of the order under IC 4-21.5-5.

35 (d) Findings must be based exclusively upon the evidence of record
36 in the proceeding and on matters officially noticed in that proceeding.
37 Findings must be based upon the kind of evidence that is substantial
38 and reliable. The administrative law judge's experience, technical
39 competence, and specialized knowledge may be used in evaluating
40 evidence.

41 (e) A substitute administrative law judge may issue the order under
42 this section upon the record that was generated by a previous



1 administrative law judge.

2 (f) The administrative law judge may allow the parties a designated
3 amount of time after conclusion of the hearing for the submission of
4 proposed findings.

5 (g) An order under this section shall be issued in writing within
6 ninety (90) days after conclusion of the hearing or after submission of
7 proposed findings in accordance with subsection (f), unless this period
8 is waived or extended with the written consent of all parties or for good
9 cause shown.

10 (h) The administrative law judge shall have copies of the order
11 under this section delivered to each party and to the ultimate authority
12 (if it is not rendered by the ultimate authority).

13 SECTION 6. IC 4-21.5-3-29, AS AMENDED BY P.L.128-2024,
14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2025]: Sec. 29. (a) This section does not apply if the
16 administrative law judge issuing an order under section 27 of this
17 chapter is the ultimate authority for the agency.

18 (b) After an administrative law judge issues a nonfinal order under
19 section 27 of this chapter, the ultimate authority or its designee shall
20 issue:

- 21 (1) a final order affirming the administrative law judge's order;
22 (2) a final order modifying the administrative law judge's order;
23 or
24 (3) an order remanding the matter, with or without instructions,
25 to an administrative law judge for further proceedings.

26 (c) In the absence of an objection or notice under subsection (d) or
27 (e), the order is final and the agency issuing the nonfinal order shall
28 issue a notice of final order within thirty (30) days after the deadline to
29 file a notice under subsection (e). **For a Medicaid applicant eligibility
30 case, in the absence of an objection or notice under subsection (d)
31 or (e), the order from the administrative law judge is final after
32 sixty-one (61) days without further affirmation from the ultimate
33 authority.**

34 (d) To preserve an objection to an order of an administrative law
35 judge for judicial review, a party must not be in default under this
36 chapter and must object to the order in a writing that:

- 37 (1) identifies the basis of the objection with reasonable
38 particularity; and
39 (2) is filed with the ultimate authority responsible for reviewing
40 the order.

41 The written objection must be served on all parties and the agency
42 issuing the nonfinal order within fifteen (15) days (or any longer period



1 set by statute) after the order is served on the petitioner.

2 (e) Without an objection under subsection (d), the ultimate authority
3 or its designee may serve written notice of its intent to review any issue
4 related to the order. The notice shall be served on all parties, the
5 agency issuing the nonfinal order, and all other persons described by
6 section 5(d) of this chapter within sixty (60) days after the nonfinal
7 order is served on the parties. The notice of intent to review must
8 identify the issues that the ultimate authority or its designee intends to
9 review.

10 (f) A final order disposing of a proceeding or an order remanding an
11 order to an administrative law judge for further proceedings shall be
12 issued within sixty (60) days after the latter of:

- 13 (1) the date that the order was issued under section 27 of this
14 chapter;
15 (2) the receipt of briefs; or
16 (3) the close of oral argument;

17 unless the period is waived or extended with the written consent of all
18 parties or for good cause shown.

19 (g) After remand of an order under this section to an administrative
20 law judge, the judge's order is also subject to review under this section.

21 SECTION 7. IC 9-32-13-15.5, AS AMENDED BY P.L.284-2019,
22 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2025]: Sec. 15.5. (a) This section does not apply to
24 manufacturers or distributors of manufactured housing, heavy duty
25 vocational vehicles (as defined in 49 CFR 523.8), or recreational
26 vehicles.

27 (b) Unless otherwise agreed, it is an unfair practice for a
28 manufacturer or distributor to fail to compensate a dealer anything less
29 than the dealer's retail rates for parts or labor the dealer uses in
30 performing the warranty services of the manufacturer or distributor, or
31 for a manufacturer or distributor of a separate vehicle component or
32 major vehicle assembly that is warranted independently of the motor
33 vehicle to fail to compensate a dealer anything less than the dealer's
34 retail rate for the parts or labor the dealer uses in performing the
35 warranty services of the manufacturer or distributor. The dealer's retail
36 rate for parts must be a percentage determined by dividing the total
37 charges for parts used in warranty like repairs by the dealer's total cost
38 for those parts minus one (1) in the lesser of one hundred (100)
39 customer paid sequential repair orders or ninety (90) consecutive days
40 of customer paid repair orders. The dealer's retail rate for labor shall be
41 determined by dividing the total labor sales for warranty like repairs by
42 the number of hours that generated those sales in one hundred (100)



1 customer paid sequential repair orders or ninety (90) consecutive days
2 of customer paid repair orders. A retail rate may be calculated based
3 upon only customer paid repair orders charged within one hundred
4 eighty (180) days before the date the dealer submits the declaration.

5 (c) The dealer's submission for retail rates must include a
6 declaration of the dealer's retail rates for parts or labor along with the
7 supporting service repair orders paid by customers. A manufacturer or
8 distributor may challenge the dealer's declaration by submitting a
9 rebuttal not later than sixty (60) days after the date the declaration was
10 received. If the manufacturer or distributor does not send a timely
11 rebuttal to the dealer, the retail rate is established as reasonable and
12 goes into effect automatically.

13 (d) If a rebuttal in subsection (c) is timely sent, the rebuttal must
14 substantiate how the dealer's declaration is unreasonable or materially
15 inaccurate. The rebuttal must propose an adjusted retail rate and
16 provide written support for the proposed adjustments. If the dealer does
17 not agree with the adjusted retail rate, the dealer may file a complaint
18 with the dealer services division within the office of the secretary of
19 state.

20 (e) A complaint filed under subsection (d) must be filed not later
21 than thirty (30) days after the dealer receives the manufacturer's or
22 distributor's rebuttal. ~~On or before filing a complaint, a dealer must~~
23 ~~serve a demand for mediation upon the manufacturer or distributor.~~

24 (f) When calculating the retail rate customarily charged by the
25 dealer for parts or labor under this section, the following work may not
26 be included:

- 27 (1) Repairs for manufacturer or distributor special events,
28 specials, or promotional discounts for retail customer repairs.
- 29 (2) Parts sold or repairs performed at wholesale.
- 30 (3) Routine maintenance not covered under a retail customer
31 warranty, such as fluids, filters, and belts not provided in the
32 course of repairs.
- 33 (4) Nuts, bolts, fasteners, and similar items that do not have an
34 individual part number.
- 35 (5) Vehicle reconditioning.
- 36 (6) Accessories.
- 37 (7) Repairs of damage caused by a collision, a road hazard, the
38 force of the elements, vandalism, or theft.
- 39 (8) Vehicle emission or safety inspections required by law.
- 40 (9) Manufacturer or distributor reimbursed goodwill or policy
41 repairs or replacements.
- 42 (10) Replacement of tires.



1 (g) If a manufacturer or distributor furnishes a part or component to
 2 a dealer at no cost to use in performing repairs under a recall, campaign
 3 service, or warranty repair, the manufacturer or distributor shall
 4 compensate the dealer for the part or component in the same manner
 5 as warranty parts compensation under this section by compensating the
 6 dealer the average markup on the cost for the part or component as
 7 listed in the manufacturer's or distributor's initial or original price
 8 schedule minus the cost for the part or component.

9 (h) A manufacturer or distributor may not require a dealer to
 10 establish the retail rate customarily charged by the dealer for parts or
 11 labor by an unduly burdensome or time consuming method or by
 12 requiring information that is unduly burdensome or time consuming to
 13 provide, including part by part or transaction by transaction
 14 calculations. A dealer may not declare an average percentage parts
 15 markup or average labor rate more than once in a twelve (12) month
 16 period. A manufacturer or distributor may perform annual audits to
 17 verify that a dealer's effective rates have not decreased. If a dealer's
 18 effective rates have decreased, a manufacturer or distributor may
 19 reduce the warranty reimbursement rate prospectively. A dealer may
 20 elect to revert to the nonretail rate reimbursement for parts or labor not
 21 more than once in a twelve (12) month period.

22 (i) A manufacturer or distributor may not impose a surcharge on a
 23 dealer for the purpose of recovering any of its costs related to the
 24 reimbursement of a dealer for parts or labor required under this section.
 25 This subsection does not prohibit a manufacturer or distributor from
 26 increasing the wholesale price of a vehicle or part in the ordinary
 27 course of business.

28 (j) If a dealer files a complaint with the dealer services division
 29 within the office of the secretary of state, the warranty reimbursement
 30 rate in effect before any mediation or complaint remains in effect until
 31 thirty (30) days after:

- 32 (1) a final decision has been issued by a court with jurisdiction;
- 33 and
- 34 (2) all appeals have been exhausted.

35 SECTION 8. IC 9-32-13-27, AS AMENDED BY P.L.174-2016,
 36 SECTION 106, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2025]: Sec. 27. (a) It is an unfair practice for a
 38 manufacturer or distributor to do the following:

- 39 (1) Cancel or terminate a franchise of a franchisee, or fail or
 40 refuse to extend or renew a franchise upon the franchisee's
 41 expiration, without good cause and notice to the franchisee by
 42 certified mail, return receipt requested:



- 1 (A) at least ninety (90) days before the cancellation or
 2 termination; or
 3 (B) at least ten (10) days before the cancellation or termination
 4 if any of the following apply:
 5 (i) The franchisee has abandoned business operations or
 6 otherwise failed to conduct sales and service operations
 7 during regular business hours for at least seven (7)
 8 consecutive business days, unless the abandonment or
 9 closure is due to an act of God or another act over which the
 10 franchisee has no control.
 11 (ii) The franchisee or another operator of the franchise has
 12 been convicted of or pled guilty to an offense punishable by
 13 at least one (1) year of imprisonment.
 14 (iii) The dealer files for bankruptcy or enters into
 15 receivership.
 16 (iv) The license of the dealer is revoked under IC 9-32-11 or
 17 IC 9-32-16.
 18 (v) The dealer commits fraud.
- 19 (2) Offer a renewal, replacement, or succeeding franchise that
 20 substantially changes or modifies the sales and service
 21 obligations, facilities standards, capital requirements, or other
 22 terms of the original franchise or agreement of a franchisee
 23 without notice to the franchisee by certified mail, return receipt
 24 requested, at least ninety (90) days before the expiration or
 25 termination of the original franchise or agreement.
- 26 (3) Terminate a dealer for the dealer's failure to meet a
 27 performance standard that is not statistically valid, reliable, and
 28 reasonable.
- 29 Notice provided under this subsection must include a detailed
 30 statement setting forth the specific grounds for the proposed action.
- 31 (b) For purposes of subsection (a)(1), the following do not constitute
 32 good cause, provided that no unfair practice is committed under
 33 IC 9-32-13-12 and no transfer, sale, or assignment is made in violation
 34 of IC 9-32-13-22:
 35 (1) A change of ownership or executive management of a
 36 dealership.
 37 (2) Requiring the appointment of an individual to an executive
 38 management position in a dealership.
 39 (3) Ownership of, investment in, participation in the management
 40 of, or holding a license for the sale of any line make of new motor
 41 vehicles by a franchisee or an owner of an interest in a franchise.
 42 (c) Good cause exists under subsection (a)(1) with respect to all



1 franchisees of a line make if the manufacturer of the line make
2 permanently discontinues the manufacture or assembly of the line
3 make.

4 (d) Not more than thirty (30) days after a franchisee receives notice
5 under subsection (a), the franchisee may protest the proposed action by
6 bringing a declaratory judgment action before the division.

7 (e) If a franchisee makes a timely and proper request under
8 subsection (d) for declaratory judgment to protest a proposed action
9 under subsection (a)(1), the division shall ~~schedule an administrative~~
10 ~~hearing. The administrative hearing must comply with IC 4-21.5.~~
11 **investigate a request and issue an order as the result of the**
12 **investigation.** The declaratory judgment action must include a
13 determination of whether good cause exists for the proposed action.

14 **(f) An order issued by the division under subsection (e) is**
15 **subject to a petition for review and administrative adjudication**
16 **under IC 4-21.5-3.**

17 SECTION 9. IC 9-32-16-2, AS AMENDED BY P.L.182-2021,
18 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2025]: Sec. 2. (a) An order issued under this article may:

20 (1) deny a dealer license, transport operator license plate, or
21 endorsement application for registration if the secretary finds that
22 the order is in the public interest and subsection (c) authorizes the
23 action;

24 (2) condition or limit the issuance of transport operator license
25 plates to an applicant if the secretary finds that the order is in the
26 interest of the public and subsection (c) authorizes the actions;
27 and

28 (3) condition or limit the license of an applicant to be a dealer
29 and, if the applicant for a dealer license is a partner, officer,
30 director, or person having similar status or performing similar
31 functions, or a person directly or indirectly in control of the
32 dealership, the order may condition or limit the license.

33 (b) If the secretary finds that an order is in the public interest and
34 subsection (c) authorizes the action, an order issued under this article
35 may deny, revoke, suspend, condition, limit, or permanently bar the
36 granting of a license or endorsement or issuing of a license plate to or
37 an application for a license, endorsement, or license plate from a
38 transport operator, dealer, owner, dealer manager, or a person having
39 a similar status or performing similar functions as a dealer, or a person
40 directly or indirectly in control of the dealer. However, the secretary
41 may not:

42 (1) institute a revocation or suspension proceeding under this



- 1 subsection based on an order issued under the law of another state
 2 that is reported to the secretary or a designee of the secretary more
 3 than one (1) year after the date of the order on which it is based;
 4 or
 5 (2) issue an order on the basis of an order issued under the dealer
 6 services laws of another state unless the other order was based on
 7 conduct for which subsection (c) would authorize the action had
 8 the conduct occurred in Indiana.
- 9 (c) A person may be disciplined under this section if the person:
 10 (1) has filed an application for transport operator license plates,
 11 a dealer license, or a dealer endorsement in Indiana under this
 12 article, or its predecessor, within the previous ten (10) years,
 13 which, as of the effective date of license or registration or as of
 14 any date after filing in the case of an order denying effectiveness,
 15 was incomplete as to a material fact or contained a statement that,
 16 in light of the circumstances under which it was made, was false
 17 or misleading with respect to a material fact;
 18 (2) knowingly violated or knowingly failed to comply with this
 19 article, or its predecessor, within the previous ten (10) years;
 20 (3) has been convicted of a:
 21 (A) felony within the previous ten (10) years;
 22 (B) felony or misdemeanor involving theft or fraud; or
 23 (C) felony or misdemeanor concerning an aspect of business
 24 involving the offer, sale, financing, repair, modification, or
 25 manufacture of a motor vehicle or watercraft;
 26 (4) is enjoined or restrained by a court with jurisdiction in an
 27 action instituted by a state or the United States from engaging in
 28 or continuing an act, practice, or course of business involving an
 29 aspect of a business involving the offer, barter, sale, purchase,
 30 transfer, financing, repair, or manufacture of a motor vehicle or
 31 watercraft;
 32 (5) refuses to allow or otherwise impedes the secretary from
 33 conducting an audit or inspection;
 34 (6) has engaged in dishonest or unethical practices in a business
 35 involving the offer, barter, sale, purchase, transfer, financing,
 36 repair, or manufacture of a motor vehicle or watercraft within the
 37 previous ten (10) years;
 38 (7) is engaging in unfair practices as set forth in this article;
 39 (8) is on the most recent tax warrant list supplied to the secretary
 40 by the department of state revenue;
 41 (9) violates IC 23-2-2.7;
 42 (10) violates IC 9-19-9;



1 (11) willfully violates federal or state law relating to the sale,
 2 distribution, financing, or insuring of motor vehicles or
 3 watercraft;

4 (12) is not compliant with local, state, or federal laws and
 5 regulations regarding a dealer license, endorsement, or dealer
 6 business;

7 (13) violates IC 9-32-9-15;

8 (14) violates IC 9-32-9-16; or

9 (15) violates IC 9-32-9-29.

10 (d) The secretary may revoke, suspend, or deny an application,
 11 impose fines and costs, restrict, condition, limit, bar, or suspend a
 12 dealer license, a dealer endorsement, or a license plate issued under
 13 this article, or order restitution, or do any combination of these actions
 14 before final determination of an administrative proceeding. Upon the
 15 issuance of an order, the secretary shall promptly notify each person
 16 subject to the order:

17 (1) that the order has been issued;

18 (2) the reasons for the action; ~~and~~

19 **(3) of the petition for review rights for an administrative**
 20 **adjudication to be conducted by the office of administrative**
 21 **law proceedings; and**

22 ~~(3) (4)~~ **(4)** that upon receipt of a ~~request in a record~~ **petition for**
 23 **review** from the person, ~~the administrative law judge~~ **the administrative law judge**
 24 **appointed by the office of administrative legal proceedings**
 25 **shall issue** an order setting a hearing date ~~will be issued~~ within
 26 ~~fifteen (15)~~ **thirty (30)** days.

27 If a ~~hearing petition for review~~ **petition for review** is not ~~requested and no hearing is~~
 28 ~~ordered by the secretary filed~~ **ordered by the secretary filed** within thirty (30) days after the date of
 29 service of the order, the order becomes final by operation of law. If a
 30 ~~hearing is requested or ordered, person subject to the order files a~~ **hearing is requested or ordered, person subject to the order files a**
 31 ~~petition for review, the secretary, after notice of and opportunity for~~ **petition for review, the secretary, after notice of and opportunity for**
 32 ~~hearing to each person subject to the order, may modify or vacate the~~ **hearing to each person subject to the order, may modify or vacate the**
 33 ~~order or extend the order until final determination.~~ **order or extend the order until final determination.** **office of**
 34 **administrative law proceedings shall assign an administrative law**
 35 **judge to conduct a proceeding pursuant to IC 4-21.5.**

36 (e) After a hearing, the ~~secretary~~ **administrative law judge** may
 37 suspend or deny an application, impose fines and costs, restrict,
 38 condition, limit, bar, suspend, or revoke a license plate issued under
 39 this article, dealer license or endorsement or order restitution, or do any
 40 combination of these actions.

41 (f) Revocation or suspension of a license or endorsement of a dealer
 42 may be limited to one (1) or more locations, to one (1) or more defined



1 areas, or only to certain aspects of the business.

2 (g) Except as provided in subsection (d), an order may not be issued
3 under this section without:

- 4 (1) appropriate notice to the applicant or registrant;
5 (2) an opportunity for a hearing; and
6 (3) reasons for the action.

7 (h) A person that controls, directly or indirectly, a person not in
8 compliance with this section may be disciplined by order of the
9 secretary under subsections (a) and (b) to the same extent as the
10 noncomplying person, unless the controlling person did not know, and
11 in the exercise of reasonable care could not have known, of the
12 existence of conduct that is a ground for discipline under this section.

13 (i) A person subject to this chapter that has not been issued a license
14 or endorsement is subject to the same disciplinary fines, costs, and
15 penalties as if a license had been issued.

16 SECTION 10. IC 9-32-16-14, AS ADDED BY P.L.92-2013,
17 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2025]: Sec. 14. (a) The secretary may:

19 (1) conduct public or private investigations within or outside
20 Indiana that the secretary considers necessary or appropriate to
21 determine whether a person has violated, is violating, or is about
22 to violate this article or a rule adopted or order issued under this
23 article, or aid in the enforcement of this article or in the adoption
24 of rules and forms under this article;

25 (2) require or permit a person to testify, file a statement, or
26 produce a record, under oath or otherwise as the secretary
27 determines, as to all the facts and circumstances concerning a
28 matter to be investigated or about which an action or proceeding
29 is to be instituted; and

30 (3) publish a record concerning an action, proceeding, or
31 investigation under, or a violation of, this article or a rule adopted
32 or order issued under this article if the secretary determines it is
33 necessary or appropriate and in the public interest and for the
34 protection of dealers or consumers.

35 (b) For purposes of an investigation under this article, the secretary
36 or a designated employee of the secretary may administer oaths and
37 affirmations, subpoena witnesses, seek compulsion of attendance, take
38 attendance, take evidence, require the filing of statements, and require
39 the production of any records that the secretary considers relevant or
40 material to the investigation. Upon order of the secretary, ~~or a hearing~~
41 ~~officer appointed by the secretary in a hearing~~, depositions may be
42 taken in the manner prescribed by law for depositions in civil actions



1 and made returnable to the secretary or a ~~hearing an~~ officer appointed
2 by the secretary.

3 (c) If a person does not appear or refuses to testify, file a statement,
4 or produce records, or otherwise does not obey a subpoena as required
5 by this article, the secretary ~~or hearing officer appointed by the~~
6 ~~secretary~~ may apply to the circuit or superior court in the county where
7 the ~~hearing~~, investigation or inquiry in question is being conducted to
8 enforce compliance. The court may:

- 9 (1) hold the person in contempt;
10 (2) order the person to appear before the secretary; ~~or hearing~~
11 ~~officer appointed by the secretary~~;
12 (3) order the person to testify about the matter under investigation
13 or in question;
14 (4) order the production of records;
15 (5) grant injunctive relief, including restricting or prohibiting the
16 offer or sale of vehicles;
17 (6) impose a civil penalty of not more than twenty thousand
18 dollars (\$20,000) for each violation; and
19 (7) grant any other necessary or appropriate relief.

20 (d) This section does not preclude a person from applying to the
21 circuit or superior court in the county where the ~~hearing~~, investigation
22 or inquiry in question is being conducted for relief from a request to
23 appear, testify, file a statement, produce records, or obey a subpoena.

24 (e) If a witness, in any ~~hearing~~, inquiry or investigation conducted
25 under this article, refuses to answer any question or produce any item,
26 the secretary may file a written petition with the circuit or superior
27 court in the county where the ~~hearing~~, investigation or inquiry in
28 question is being conducted requesting a hearing on the refusal. The
29 court shall hold a hearing to determine if the witness may refuse to
30 answer the question or produce the item. If the court determines that
31 the witness, based upon the witness's privilege against
32 self-incrimination, may properly refuse to answer or produce an item,
33 the secretary may make a written request that the court grant use
34 immunity to the witness. Upon written request of the secretary, the
35 court shall grant use immunity to a witness. The court shall instruct the
36 witness, by written order or in open court, that:

- 37 (1) any evidence the witness gives, or evidence derived from that
38 evidence, may not be used in any criminal proceedings against
39 that witness, unless the evidence is volunteered by the witness or
40 is not responsive to a question; and
41 (2) the witness must answer the questions asked and produce the
42 items requested.



1 A grant of use immunity does not prohibit the use of evidence that the
 2 witness gives in a ~~hearing~~; an investigation or inquiry from being used
 3 in a prosecution for perjury under IC 35-44.1-2-1. If a witness refuses
 4 to give the evidence after the witness has been granted use immunity,
 5 the court may find the witness in contempt.

6 (f) In any prosecution, action, suit, or proceeding based upon or
 7 arising out of or under this article, a certificate signed by the secretary
 8 showing compliance or noncompliance with this article by a dealer
 9 constitutes prima facie evidence of compliance or noncompliance with
 10 this article and is admissible in evidence in any action at law or in
 11 equity to enforce this article.

12 (g) Each witness who appears before the secretary ~~or a hearing~~
 13 ~~officer appointed by the secretary~~ by order is entitled to receive for the
 14 witness's attendance the fees and mileage provided for witnesses in
 15 civil cases, which must be audited and paid by the state in the same
 16 manner as other expenses of the division are audited and paid when
 17 proper vouchers sworn to by the witnesses and approved by the
 18 secretary are presented. However, a witness subpoenaed at the instance
 19 of parties other than the secretary ~~or a hearing officer appointed by the~~
 20 ~~secretary~~ is not entitled to any fee or compensation from the state.

21 SECTION 11. IC 9-32-16-15, AS AMENDED BY P.L.182-2021,
 22 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2025]: Sec. 15. (a) A dealer who is injured by an unfair
 24 practice set forth in IC 9-32-13 or IC 9-32-15 may file a complaint or
 25 petition with the division.

26 (b) A dealer who is injured by an unfair practice set forth in
 27 IC 9-32-13-27 may file a request for declaratory judgment with the
 28 division.

29 ~~(c) A dealer may not file a complaint, request for declaratory~~
 30 ~~judgment under subsection (b) based on an alleged violation of~~
 31 ~~IC 9-32-13-27, or petition with the division under subsection (a) based~~
 32 ~~on an alleged violation of IC 9-32-13 or IC 9-32-15 by a manufacturer~~
 33 ~~or distributor unless the dealer serves a demand for mediation upon the~~
 34 ~~manufacturer or distributor:~~

35 (1) before; or

36 (2) at the same time as;

37 ~~filing the complaint, request for declaratory judgment, or petition. A~~
 38 ~~demand for mediation must be in writing and served upon the~~
 39 ~~manufacturer or distributor by certified mail at an address designated~~
 40 ~~for the manufacturer or distributor in the licensor's records. The~~
 41 ~~demand for mediation must contain a brief statement of the dispute and~~
 42 ~~the relief sought by the dealer serving the demand:~~



1 (d) Not later than twenty (20) days after the date the demand for
 2 mediation is served under subsection (c); the parties shall mutually
 3 select an independent mediator and meet with the mediator for the
 4 purpose of attempting to resolve the dispute. The meeting place must
 5 be within Indiana at a location selected by the mediator. The mediator
 6 may extend the period in which the meeting must occur for good cause
 7 shown by either party or upon stipulation of the parties.

8 (c) **The division shall investigate the complaint and issue an**
 9 **order as a result of the investigation. The order must include a**
 10 **determination of whether good cause exists for the proposed**
 11 **action.**

12 (d) **The administrative law judge may order the parties to**
 13 **submit their case to a mediator.**

14 SECTION 12. IC 14-10-2-2 IS REPEALED [EFFECTIVE JULY 1,
 15 2025]. Sec. 2: (a) The commission shall appoint administrative law
 16 judges:

17 (b) The commission shall create a division of hearings. The division
 18 of hearings shall assist the commission in performing the functions of
 19 this section. The director of the division of hearings may appoint a
 20 special administrative law judge:

21 (c) A person who is not appointed by:

22 (1) the director of the division of hearings; or

23 (2) the commission;

24 may not act as an administrative law judge:

25 SECTION 13. IC 14-10-2-2.5, AS AMENDED BY THE
 26 TECHNICAL CORRECTIONS BILL OF THE 2025 GENERAL
 27 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2025]: Sec. 2.5. (a) A person who is the party in a hearing
 29 under this title or IC 4-15-10.5 may move to have the

30 (1) administrative law judge appointed under IC 4-15-10.5 or

31 (2) administrative law judge appointed under section 2 of this
 32 chapter;

33 consolidate multiple proceedings that are subject to the jurisdiction of
 34 both the office of administrative law proceedings. and the division of
 35 hearings:

36 (b) An administrative law judge shall grant the motion made under
 37 subsection (a) if the following findings are made:

38 (1) The proceedings include the following:

39 (A) Common questions of law or fact.

40 (B) At least one (1) person, other than the department or the
 41 department of environmental management, who is a party to
 42 all the proceedings.



1 (C) Issues of water quality, water quantity, or both.

2 (2) Consolidation may support administrative efficiency.

3 (c) If a motion to consolidate proceedings ~~has been is~~ granted under
4 subsection (b), the hearing must be conducted by a panel that consists
5 of at least two (2) administrative law judges. The panel is the ultimate
6 authority for matters authorized under ~~IC 4-21.5-7-5~~ **IC 4-15-10.5** and
7 this title. Any party ~~including the department and the department of~~
8 ~~environmental management~~, **to an action under this section** may
9 petition an appropriate court for judicial review of a final determination
10 of the panel **under IC 4-21.5-5**.

11 (d) The office of administrative law proceedings ~~and the division of~~
12 ~~hearings~~ shall adopt **joint** rules to implement this section.

13 SECTION 14. IC 14-10-2-3 IS REPEALED [EFFECTIVE JULY 1,
14 2025]. Sec. 3: ~~Except as provided in section 2.5 of this chapter and~~
15 ~~IC 14-34-2-2~~, the commission is the ultimate authority of the
16 ~~department under IC 4-21.5~~.

17 SECTION 15. IC 14-10-2-4, AS AMENDED BY P.L.93-2024,
18 SECTION 119, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) The commission shall adopt
20 rules under IC 4-22-2 to carry out the commission's duties under this
21 title.

22 (b) The commission may adopt rules to exempt an activity from
23 licensing under this title, except:

- 24 (1) IC 14-34;
25 (2) IC 14-36-1; and
26 (3) IC 14-38-2;

27 if the activity poses not more than a minimal potential for harm.

28 (c) Except as provided in subsection (d), whenever the department
29 or the director has the authority to adopt rules under IC 4-22-2, the
30 commission shall ~~exclusively~~ exercise the authority **in coordination**
31 **with the department**.

32 (d) **Interim** rules ~~adopted~~ under section 5 of this chapter **and**
33 **IC 4-22-2-37.2, or provisional rules under IC 4-22-2-37.1**, shall be
34 adopted by the director.

35 (e) A person who violates a rule adopted by the commission
36 commits a Class C infraction, unless otherwise specified under state
37 law.

38 SECTION 16. IC 14-10-2-6 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 6. (a) The commission
40 may issue a notice of violation to a person who violates a law
41 administered by the department for which a misdemeanor or an
42 infraction penalty is established. If the person:



1 (1) receives the notice; and

2 (2) fails to abate the violation within a period of not less than
3 fifteen (15) days specified in the notice;

4 the commission may impose a charge that does not exceed the
5 maximum amount that may be assessed by a court for committing the
6 violation.

7 (b) IC 4-21.5 applies to proceedings by the commission under this
8 section. The department has the burden of proving the alleged violation
9 by a preponderance of the evidence.

10 (c) A separate notice of violation may be issued or a separate charge
11 imposed for each day a violation occurs.

12 (d) The person may establish as an affirmative defense the filing by
13 a prosecuting attorney of a misdemeanor information or infraction
14 complaint based on the same event as that upon which the notice of
15 violation was based. The person has the burden of proving the
16 affirmative defense.

17 (e) The remedy provided by this section is supplemental to other
18 remedies **and subject to administrative adjudication under**
19 **IC 4-21.5.**

20 SECTION 17. IC 14-10-2-8 IS ADDED TO THE INDIANA CODE
21 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2025]: **Sec. 8. A determination of the commission is subject to**
23 **administrative adjudication under IC 4-21.5.**

24 SECTION 18. IC 14-11-1-3, AS AMENDED BY P.L.84-2016,
25 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2025]: Sec. 3. (a) A member of the commission ~~or~~ a division
27 director ~~or a hearing officer appointed by the commission~~ may do the
28 following:

29 (1) Administer oaths and certify to official acts.

30 (2) Require information from any person for purposes of this title.

31 (3) Issue subpoenas.

32 (4) Require the attendance of witnesses.

33 (5) Examine witnesses under oath.

34 (b) If a person fails to comply with an order issued under this
35 chapter or under IC 14-3-1 (before its repeal), the circuit court, superior
36 court, or probate court having jurisdiction over the person shall, on
37 request, require compliance with the order.

38 SECTION 19. IC 14-11-2-4 IS ADDED TO THE INDIANA CODE
39 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2025]: **Sec. 4. A determination of the department is subject to**
41 **administrative adjudication under IC 4-21.5.**

42 SECTION 20. IC 14-11-3-2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) **Except as**
 2 **provided in IC 14-34-2-2,** The commission shall hold all hearings
 3 under ~~IC 4-21.5~~ and IC 4-22-2.

4 **(b) The office of administrative law proceedings shall conduct**
 5 **all administrative adjudications under IC 4-15-10.5.**

6 SECTION 21. IC 14-15-3-11 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 11. (a) The commission
 8 may adopt rules under IC 4-22-2 to exempt a small lake containing
 9 more than seventy (70) acres from section 10 of this chapter if the
 10 following conditions exist:

11 (1) A majority of the abutting property owners petitions the
 12 commission as provided in this section.

13 (2) An unreasonable hazard to persons would not result.

14 (3) An unreasonable harm to fish, wildlife, or botanical resources
 15 would not result.

16 (b) A petition under this section must specify one (1) of the
 17 following periods for exemption from section 10 of this chapter:

18 (1) Each day of the week (Sunday through Saturday) from 1 p.m.
 19 to 4 p.m. (local time prevailing).

20 (2) Monday, Thursday, and Saturday from 1 p.m. to 4 p.m. (local
 21 time prevailing).

22 (3) Saturday from 1 p.m. to 4 p.m. (local time prevailing).

23 (4) Each day of the week (Sunday through Saturday) from sunrise
 24 to sunset if the small lake is owned, leased, or operated in whole
 25 or in part by a political subdivision (as defined in IC 36-1-2-13).

26 (5) Each day of the week (Sunday through Saturday) from sunrise
 27 to sunset if the small lake is connected by a natural channel to a
 28 lake having a surface area of more than three hundred (300) acres.

29 (c) The commission may not establish a period that deviates from
 30 the period requested in the petition. However, the commission may
 31 adopt rules to establish restrictions for the safe operation of watercraft
 32 if unusual conditions or hazards would otherwise result by granting the
 33 exemption.

34 (d) The commission may adopt rules under IC 4-22-2 to rescind or
 35 amend an exemption granted under subsection (a) if:

36 (1) a majority of the abutting property owners of a small lake that
 37 has been exempted under this section petitions the commission in
 38 substantial accordance with the appropriate corresponding
 39 requirements of subsection (f) to rescind the exemption; or

40 (2) the commission determines that because of the exemption:

41 (A) there is an unreasonable hazard to persons; or

42 (B) unreasonable harm to fish, wildlife, or botanical resources



1 is occurring.
2 (e) Before the adoption of a rule under subsection (a), the
3 commission must certify that the petition represents a majority of the
4 abutting property owners. A determination under this subsection is
5 subject to **an administrative adjudication under IC 4-21.5.**

6 (f) A petition under this section must be in the following form:
7 To the State of Indiana
8 Department of Natural Resources
9 The undersigned, all owners of abutting property to (name of lake)
10 and situated in _____ County, Indiana, petition the department
11 to post time periods exempting (name of lake) from speed limits as
12 specified in IC 14-15-3-10 as follows:

13 (Petition to specify one (1) of the time periods listed above.)
14 We certify that, according to land and water acreage maps on file
15 with the department or certified survey attached, (name of lake) is less
16 than three hundred (300) acres and more than seventy (70) acres, as
17 specified in IC 14-15-3 and that the signatures listed on this petition
18 represent a majority of bona fide property owners of abutting property
19 of (name of lake), as recorded in the office of the county recorder of
20 (name of county). The department may verify the validity of the
21 signatures. We also understand and agree that this petition, when
22 certified, may not be changed or altered within two (2) years from the
23 date of the certification.

24 _____
25 Signed _____ Lake Property Address

26 _____
27 Date

28 SECTION 22. IC 14-21-1-17 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 17. (a) Any person may
30 nominate a site or structure for addition to or removal from the register.
31 Upon approval of the nomination by the division, all affected persons
32 shall be notified.

33 (b) If an objection to the action is not filed with the division within
34 thirty (30) days after the notification date, the nomination is
35 automatically approved.

36 (c) If an objection is received within thirty (30) days, a designated
37 member of the review board shall hold a hearing and make a
38 determination. The review board shall make the final decision
39 regarding a nomination, subject to **administrative review by the**
40 **commission and appeal** under IC 4-21.5.

41 SECTION 23. IC 14-22-11-15, AS AMENDED BY P.L.164-2020,
42 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2025]: Sec. 15. (a) Each license and permit issued under this
 2 article is issued upon the express condition, to which the licensee or
 3 permittee by acceptance of the license or permit is considered to agree
 4 and consent, that the licensee or permittee will obey and comply with
 5 the following:

6 (1) All the terms, conditions, and rules:

7 (A) made by the director under this article; and

8 (B) incorporated in or attached to the license or permit when
 9 issued.

10 (2) This article.

11 (3) A wildlife law (as defined by IC 14-22-41-4(p)) while the
 12 licensee is in another jurisdiction that has adopted the wildlife
 13 violator compact (IC 14-22-41).

14 (b) A license or permit may be revoked or denied by the director at
 15 any time without refund for any of the following:

16 (1) Failure to comply with or violation of the terms, conditions,
 17 rules, or restrictions incorporated in or attached to the license or
 18 permit when issued.

19 (2) Violation of this article.

20 (3) Violation of a wildlife law (as defined by IC 14-22-41-4(p))
 21 occurring after October 31, 2000, by the licensee or permittee in
 22 another jurisdiction that has adopted the wildlife violator compact
 23 (IC 14-22-41).

24 (c) If a person's license or permit is revoked or denied because of a
 25 violation described in subsection (b)(3), the person is entitled to a
 26 ~~review~~ **an administrative adjudication** of the revocation or denial by
 27 ~~the commission.~~ **under IC 4-21.5.** However, the ~~commission~~
 28 **administrative law judge assigned by the office of administrative**
 29 **law proceedings** may not review the merits of the underlying violation
 30 committed in another jurisdiction that prompted the revocation or
 31 denial under the wildlife violator compact (IC 14-22-41).

32 (d) A person whose license or permit has been revoked or denied by
 33 the director under this article may, by written request to the
 34 commission **and the office of administrative law proceedings**, have
 35 a hearing on the revocation or denial of issuance. Upon receipt of
 36 written request for a hearing on the revocation, the ~~commission office~~
 37 **of administrative law proceedings** shall ~~do the following~~:

38 ~~(1)~~ set a date for the hearing, which may not be more than ~~fifteen~~
 39 ~~(15)~~ **thirty (30)** days from the date of receipt of the request.

40 ~~(2)~~ Give the person requesting the hearing at least five ~~(5)~~ days
 41 notice of the date of the hearing, which shall be held in the office
 42 of the director.



1 (3) Receive and keep a record of all evidence presented by the
2 person.

3 (4) After considering the evidence presented at the hearing,
4 rescind or affirm the order revoking or denying the license or
5 permit.

6 (e) Every court having jurisdiction of an offense committed in
7 violation of an Indiana law for the protection of wildlife may, at the
8 court's discretion, revoke the license of the offender for a **minimum of**
9 **at least** one (1) year.

10 (f) After a revocation, the court shall forward to the division a
11 record of the conviction of the person in the court for a violation of the
12 law. At the time of the conviction, the court shall do the following:

13 (1) Obtain the license certificate of the defendant.

14 (2) Return the license certificate to the division.

15 (g) Any denial or revocation of a permit or license under this section
16 is subject to the terms of the wildlife violator compact (IC 14-22-41).

17 SECTION 24. IC 14-22-15-5 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. (a) The director may:

19 (1) refuse under IC 4-21.5-3-5 to grant, renew, or restore; or

20 (2) suspend or revoke under IC 4-21.5-3-6;

21 a license of an individual who fails to keep a record or make a report
22 required by section 4 of this chapter.

23 **(b) A determination of the director under this section is subject**
24 **to administrative adjudication under IC 4-21.5.**

25 SECTION 25. IC 14-22-15.5-6, AS ADDED BY P.L.154-2019,
26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2025]: Sec. 6. (a) The director may:

28 (1) refuse under IC 4-21.5-3-5 to grant, renew, or restore; or

29 (2) suspend or revoke under IC 4-21.5-3-6;

30 a hunting guide license of an individual who fails to keep a record or
31 make a report required under section 5 of this chapter.

32 **(b) A determination of the director under this section is subject**
33 **to administrative adjudication under IC 4-21.5.**

34 SECTION 26. IC 14-22-28-4, AS AMENDED BY P.L.219-2014,
35 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2025]: Sec. 4. (a) The director may have an investigation
37 made of a complaint that wild animals are causing damage or posing
38 a health or safety threat to persons or domestic animals. If it is found
39 that:

40 (1) the damage has not been caused by wild animals; or

41 (2) the person ~~has not complied~~ **did not comply** with the
42 requirements under this chapter or a rule adopted under this



1 chapter;
 2 **the director shall deny the a permit shall be denied** according to the
 3 procedures in IC 4-21.5.

4 **(b) A denial under this section is subject to administrative**
 5 **adjudication under IC 4-21.5.**

6 SECTION 27. IC 14-22-32-5 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. If a person violates
 8 section 2(1) of this chapter, the department shall enter a recommended
 9 order to dispose of any game bird or exotic mammal the person owns,
 10 keeps, harbors, or otherwise possesses. Before the order becomes a
 11 final determination of the department, a hearing must be held under
 12 IC 4-21.5-3. The hearing shall be conducted by an administrative law
 13 judge ~~for the commission. in the office of administrative law~~
 14 **proceedings.** The determination of the administrative law judge is a
 15 ~~final agency action subject to administrative adjudication under~~
 16 ~~IC 4-21.5-1-6.~~ **IC 4-21.5.**

17 SECTION 28. IC 14-24-1-4 IS REPEALED [EFFECTIVE JULY 1,
 18 2025]. ~~Sec. 4. The commission is the ultimate authority (as defined in~~
 19 ~~IC 4-21.5-1-15) for the department under this article.~~

20 SECTION 29. IC 14-24-3-9 IS REPEALED [EFFECTIVE JULY 1,
 21 2025]. ~~Sec. 9. The commission shall establish standards for~~
 22 ~~determining expenses and attorney's fees under IC 14-24-11-5.~~

23 SECTION 30. IC 14-24-5-7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. (a) If a pest or
 25 pathogen is discovered by an inspection under this chapter, the division
 26 shall provide a written notice to the person that owns or controls the
 27 premises or plant where the pest or pathogen is located.

28 (b) The notice must include the following:

29 (1) A description of the action that is needed to destroy or control
 30 the pest or pathogen.

31 (2) The date by which the action must be taken.

32 (c) The notice may provide that infested plants may not be sold or
 33 transported from the site of inspection until the pest or pathogen is
 34 successfully treated.

35 (d) A written notice issued under this section is effective when
 36 served. A person that is aggrieved by the notice may request
 37 ~~administrative review an administrative adjudication of the notice~~
 38 under IC 4-21.5-3-6. In addition, an aggrieved person may seek
 39 temporary relief from the notice under IC 4-21.5-4. Unless otherwise
 40 agreed to by the parties, a hearing on temporary relief must be
 41 conducted within ~~five (5)~~ **thirty (30)** days of receipt of the hearing
 42 request in the county where the infested plants are located.



1 SECTION 31. IC 14-24-8-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) If a pest or
 3 pathogen is discovered as a result of an inspection under this chapter,
 4 the division shall provide a written notice of the discovery to the person
 5 that owns or controls the apiary.

6 (b) The notice must include the following:

7 (1) A description of the action needed to destroy or control the
 8 pest or pathogen.

9 (2) The date by which the action must be taken.

10 (c) The notice may provide that bees may not be sold or transported
 11 from the apiary until the pest or pathogen is successfully treated. The
 12 notice may require that bees shall be transferred to movable frame
 13 hives within a specified time and that, if the transfer is not performed
 14 as specified, the division director may order the destruction of all hives
 15 and bees dwelling in the hives.

16 (d) A written notice issued under this section is effective when
 17 served. A person who is aggrieved by the notice may request
 18 ~~administrative review~~ **an administrative adjudication** under
 19 IC 4-21.5-3-6. In addition, an aggrieved person may seek temporary
 20 relief from the notice under IC 4-21.5-4. Unless otherwise agreed by
 21 the parties, a hearing on temporary relief must be conducted within five
 22 (5) days of receipt of the hearing request ~~in the county where the apiary~~
 23 ~~is located:~~ **at a location convenient for both parties or virtually.**

24 SECTION 32. IC 14-24-11-5 IS REPEALED [EFFECTIVE JULY
 25 1, 2025]. Sec. 5: If an order is issued:

26 (1) under this article or under IC 14-7 (before its repeal); or

27 (2) as a result of an administrative proceeding under this article
 28 or IC 14-7 (before its repeal);

29 the court or the director may assess against a party to the proceeding
 30 the costs and expenses, including attorney's fees, incurred by the person
 31 with respect to the proceedings, including a judicial review of a final
 32 agency action. The award of attorney's fees shall be based on a
 33 schedule of attorney's fees established by rules of the commission:

34 SECTION 33. IC 14-25-1-8, AS AMENDED BY P.L.151-2012,
 35 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2025]: Sec. 8. Whenever a dispute arises between the users of
 37 surface water in a watershed area, any party to the dispute may **make**
 38 **a formal** request that ~~the commission~~ **an administrative law judge**
 39 **with the office of administrative law proceedings** mediate the
 40 dispute using the mediation provisions under IC 4-21.5-3.5.

41 SECTION 34. IC 14-25-4-20 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 20. (a) Upon the



1 declaration of a ground water emergency under section 9 of this
 2 chapter, the director shall, by temporary order, require the immediate
 3 temporary provision at the prior point of use of an adequate supply of
 4 potable water. A temporary order under section 9 or 10 of this chapter
 5 remains in effect for ninety (90) days unless:

6 (1) terminated by the director before the expiration of ninety (90)
 7 days; or

8 (2) extended under IC 4-21.5-4-5(b) during the pendency of a
 9 proceeding under section 18(2) and 18(3) of this chapter.

10 (b) The commission shall implement section 18(2) and 18(3) of this
 11 chapter by order. Before the commission enters an initial determination
 12 of the order, the department shall conduct an investigation and provide
 13 affected persons with an informal opportunity to contribute to the
 14 investigation. ~~All final orders~~ **An action** of the commission ~~shall~~ **must**
 15 be issued under IC 4-21.5-3.

16 SECTION 35. IC 14-25-5-13 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 13. (a) ~~A temporary~~
 18 ~~order issued under section 7 of this chapter or under IC 13-2-2.6-10~~
 19 ~~(before its repeal) must include a notice of hearing to be held under~~
 20 ~~IC 4-21.5-4 as soon as practicable after the declaration of the~~
 21 ~~freshwater lake emergency.~~ Following the hearing, the director may
 22 continue, amend, or terminate the freshwater lake emergency order
 23 issued under section 7 of this chapter or under IC 13-2-2.6-10 (before
 24 its repeal).

25 (b) If a freshwater lake emergency order issued under section 7 of
 26 this chapter or under IC 13-2-2.6-10 (before its repeal) is terminated
 27 after a bond under section 10 of this chapter or under IC 13-2-2.6-13
 28 (before its repeal) has been filed, the termination order must provide
 29 for the immediate release of the bond.

30 SECTION 36. IC 14-25-5-14 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 14. Upon application
 32 by the director or a lake owner, the commission may cause a temporary
 33 order issued under section 7 of this chapter or under IC 13-2-2.6-10
 34 (before its repeal) to be made a permanent order. A permanent order is
 35 subject to **an administrative adjudication under** IC 4-21.5-3-6.

36 SECTION 37. IC 14-25-15-12, AS ADDED BY P.L.4-2008,
 37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2025]: Sec. 12. (a) This section governs any status
 39 determination of a baseline under section 4.12.2 of the compact for
 40 each of the following from the Indiana portion of the basin:

41 (1) The total withdrawal capability registered under
 42 IC 14-25-7-15(c)(3) is deemed the existing withdrawal approval



- 1 amount for section 4.12.2.a.i of the compact.
- 2 (2) A consumptive use attributable to a facility described in
- 3 IC 14-25-7-15(a)(1).
- 4 (3) A facility that diverts water outside the basin.
- 5 (b) The department shall make each determination required under
- 6 subsection (a) following an investigation. Before completing the
- 7 investigation, the department shall:
- 8 (1) inform the owner of the facility of the amount of any proposed
- 9 baseline; and
- 10 (2) provide the owner with a period of at least thirty (30) days to
- 11 offer documentation the owner believes would properly modify
- 12 the proposed baseline amount.
- 13 (c) The department shall provide notice under IC 4-21.5-3-5 of a
- 14 status determination under this section to the owner of the facility for
- 15 which the determination is made.
- 16 (d) The owner of a facility for which a status determination is made
- 17 under this section is the only person with standing to seek
- 18 ~~administrative review~~ **an administrative adjudication** of the
- 19 determination **under IC 4-21.5.**
- 20 SECTION 38. IC 14-25.5-2-3 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. A notice of violation
- 22 issued under this chapter must include the following:
- 23 (1) The nature of the violation.
- 24 (2) The action that is appropriate to mitigate the violation.
- 25 (3) The date by which the violation must be mitigated.
- 26 (4) The procedure to obtain ~~administrative review~~ **an**
- 27 **administrative adjudication under IC 4-21.5** if a person is
- 28 aggrieved by the issuance of the notice of violation.
- 29 SECTION 39. IC 14-25.5-2-5 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. A notice of violation
- 31 issued under this chapter becomes effective without a proceeding under
- 32 IC 4-21.5-3 unless a person requests ~~administrative review~~ **an**
- 33 **administrative adjudication** under IC 4-21.5-3-6 within thirty (30)
- 34 days after receipt of the notice.
- 35 SECTION 40. IC 14-25.5-2-7, AS ADDED BY P.L.191-2023,
- 36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2025]: Sec. 7. (a) Subsection (b) applies if a person was
- 38 issued a notice of violation under IC 14-27-7.5-11 for a structure that
- 39 is classified by the department as a high hazard structure under the
- 40 hazard classification system in IC 14-27-7.5-8(b)(1) and:
- 41 (1) the person:
- 42 (A) has exhausted all available administrative remedies **under**



- 1 **IC 4-21.5** relating to the violation; and
 2 (B) did not initiate ~~judicial review~~ **an administrative**
 3 **adjudication** of the department's enforcement action under
 4 IC 4-21.5-5 within the period allowed by IC 4-21.5-5-5;
 5 (2) the person has initiated ~~judicial review~~ **an administrative**
 6 **adjudication** of the department's enforcement action under
 7 IC 4-21.5-5 but the court did not set aside the enforcement action;
 8 or
 9 (3) the person has entered into a settlement agreement with the
 10 department concerning the violation.
- 11 (b) The division may file an affidavit for recording in the county
 12 recorder's office of the county in which the property on which the
 13 violation or deficiency referred to in the notice of violation exists.
 14 When filing an affidavit for recording under this section, the division
 15 shall pay to the county recorder the fee charged for the recording of a
 16 document in the deed records of the county.
- 17 (c) An affidavit filed under this section must:
- 18 (1) include a sworn statement that a violation or deficiency exists
 19 on the property that is the subject of the notice of violation;
 20 (2) be recorded by the county recorder in the deed records of the
 21 county in accordance with IC 36-2-7-10 and IC 36-2-11-16.5;
 22 (3) be designed and worded so as to provide notice to the public,
 23 including any contractor or other person that intends to perform
 24 construction work on the property on which the violation or
 25 deficiency referred to in the notice of violation exists; and
 26 (4) include:
- 27 (A) the full legal description of the property; and
 28 (B) the most current name of the owner of the property as
 29 shown in the records of the auditor of the county where the
 30 property is located.
- 31 (d) When the violation or deficiency referred to in the notice of
 32 violation is resolved, the department shall file a release of the affidavit
 33 with the county recorder to remove the affidavit from the deed records
 34 of the county. The release filed under this subsection must:
- 35 (1) include a reference to the affidavit; and
 36 (2) meet the recording requirements specified in IC 36-2-11-15
 37 through IC 36-2-11-16.5.
- 38 The department shall pay to the county recorder the fee charged for
 39 recording the release.
- 40 (e) The presence of an affidavit recorded under this section in the
 41 deed records of the county in which the property referred to in the
 42 affidavit is located does not:



- 1 (1) constitute a judgment lien against the property;
 2 (2) invalidate the conveyance, purchase, lease, or acquisition of
 3 the property; or
 4 (3) deprive the holder of title to the property of marketable record
 5 title (as defined in IC 32-20-2-2) for the purposes of IC 32-20.

6 SECTION 41. IC 14-25.5-4-4, AS AMENDED BY P.L.195-2014,
 7 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2025]: Sec. 4. (a) A civil penalty assessed for a violation
 9 described in section 3 of this chapter is subject to IC 4-21.5-3-6 and
 10 becomes effective without a proceeding under IC 4-21.5-3 unless a
 11 person requests ~~an administrative review within an administrative~~
 12 **adjudication under IC 4-21.5 not later than** thirty (30) days after
 13 receipt of the notice of assessment.

14 (b) A civil penalty that is assessed for a violation described in
 15 section 3 of this chapter shall be deposited in the fund.

16 SECTION 42. IC 14-26-2-24, AS ADDED BY P.L.6-2008,
 17 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2025]: Sec. 24. (a) Relying on recommendations of the
 19 department and the advisory council established by IC 14-9-6-1, the
 20 commission shall adopt, under IC 4-22-7-7(a)(5)(A), and maintain a
 21 nonrule policy statement that lists the public freshwater lakes in
 22 Indiana. For each public freshwater lake the statement must include the
 23 following information:

- 24 (1) The name of the lake.
 25 (2) The county and specific location within the county where the
 26 lake is located.

27 (b) A person may obtain ~~administrative review~~ **an administrative**
 28 **adjudication** from the ~~commission office of administrative law~~
 29 **proceedings** for the listing or nonlisting of a lake as a public
 30 freshwater lake through a licensure action, status determination, or
 31 enforcement action under IC 4-21.5.

32 SECTION 43. IC 14-27-7.3-14, AS ADDED BY P.L.104-2020,
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2025]: Sec. 14. ~~(a)~~ A person may appeal an administrative
 35 decision or penalty assessed under this chapter ~~to the commission~~
 36 **under IC 4-21.5.**

37 ~~(b) IC 4-21.5 applies to proceedings by the commission under this~~
 38 ~~section.~~

39 SECTION 44. IC 14-27-7.5-16, AS AMENDED BY P.L.129-2022,
 40 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2025]: Sec. 16. (a) A property owner, the owner's
 42 representative, or an individual who resides downstream from a



- 1 structure:
- 2 (1) over which the department does not have jurisdiction under
- 3 this chapter; and
- 4 (2) that the property owner, the owner's representative, or the
- 5 individual believes would cause a loss of life or serious damage
- 6 to the person's home, industrial or commercial building, public
- 7 utility, major highway, or railroad if the structure fails;
- 8 may request in writing that the department declare the structure a high
- 9 hazard structure.
- 10 (b) If the department receives a request under subsection (a), the
- 11 department shall:
- 12 (1) investigate the structure and the area downstream from the
- 13 structure;
- 14 (2) notify the owner of the structure that the structure is being
- 15 investigated;
- 16 (3) review written statements and technical documentation from
- 17 any interested party; and
- 18 (4) after considering the available information, determine whether
- 19 or not the structure is a high hazard structure.
- 20 (c) The department shall issue a written notice of the department's
- 21 determination under subsection (b) to:
- 22 (1) the individual who requested the determination; and
- 23 (2) the owner of the structure that is the subject of the request.
- 24 (d) Either:
- 25 (1) the individual who requested a determination; or
- 26 (2) the owner of the structure that is the subject of the request;
- 27 may request ~~an administrative review~~ **an administrative adjudication**
- 28 under IC 4-21.5-3-6 within thirty (30) days after receipt of the written
- 29 determination.
- 30 (e) If the department determines that a structure is a high hazard
- 31 structure under subsection (b), the provisions of this chapter
- 32 concerning high hazard structures apply to the structure.
- 33 SECTION 45. IC 14-28-1-6 IS AMENDED TO READ AS
- 34 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 6. Each county agent,
- 35 city engineer, county engineer, county surveyor, and state agency shall
- 36 obtain, provide, and furnish pertinent data and information that is
- 37 requested by an order of the commission **or the office of**
- 38 **administrative law proceedings**, subject to the approval of the
- 39 governor.
- 40 SECTION 46. IC 14-28-1-28 IS AMENDED TO READ AS
- 41 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 28. (a) The commission
- 42 may by order:



- 1 (1) establish a floodway as a commission floodway; and
- 2 (2) alter, change, or revoke and terminate the commission
- 3 floodway.
- 4 (b) In the order establishing the commission floodway, the
- 5 commission shall fix the following:
- 6 (1) The floodway's length at any practical distance.
- 7 (2) The floodway's width or the landside limits so as to include
- 8 parts of the flood plains adjoining the channel that, with the
- 9 channel, are reasonably required to efficiently carry and discharge
- 10 the flood waters or flood flow of the river or stream.
- 11 (c) Notwithstanding any other provision of law, an order
- 12 establishing a commission floodway is not in force until notice has
- 13 been given as follows:
- 14 (1) In writing to the county executive in the county affected.
- 15 (2) By publication at least two (2) times, seven (7) days apart, as
- 16 follows:
- 17 (A) In two (2) daily newspapers in the city of Indianapolis as
- 18 provided in IC 5-3-1-6.
- 19 (B) In newspapers in the counties where all or part of the
- 20 commission floodway is established as provided in IC 5-3-1-6.
- 21 (d) All of the area within a commission floodway is the floodway for
- 22 all purposes of this chapter.
- 23 **(e) A determination by the commissioner under this section is**
- 24 **subject to an administrative adjudication under IC 4-21.5.**
- 25 SECTION 47. IC 14-28-1-30 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 30. IC 4-21.5 applies
- 27 to **a determination of** the commission.
- 28 SECTION 48. IC 14-30.5-2-2, AS ADDED BY P.L.251-2023,
- 29 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2025]: Sec. 2. (a) If one (1) county executive submits an
- 31 ordinance and a written request for recognition of a proposed
- 32 watershed development commission under section 1(c) of this chapter,
- 33 the natural resources commission shall decide under subsections (c)
- 34 through (e) whether to recognize the proposed commission.
- 35 (b) If the county executives of two (2) or more counties submit
- 36 ordinances and written requests under section 1(c) of this chapter for
- 37 recognition of a single proposed watershed development commission
- 38 empowered to act in a single designated watershed that includes areas
- 39 within both or all of the counties:
- 40 (1) the natural resources commission may not decide whether to
- 41 recognize the proposed commission unless the provisions of the
- 42 ordinances submitted under section 1(c)(1) of this chapter are



- 1 essentially identical in:
- 2 (A) identifying the designated watershed; and
- 3 (B) stating the purposes of the proposed commission; and
- 4 (2) if the natural resources commission determines that the
- 5 requirement set forth in subdivision (1) is met, the natural
- 6 resources commission shall decide under subsections (c) through
- 7 (e) whether to recognize the proposed commission.
- 8 (c) Before making a decision whether to recognize a proposed
- 9 commission under this section, the natural resources commission shall
- 10 hold at least one (1) public hearing concerning the proposed
- 11 commission in each county whose executive submitted an ordinance
- 12 and a written request for recognition of the proposed commission under
- 13 section 1(c) of this chapter. Any interested person attending a public
- 14 hearing held under this subsection shall have the right to:
- 15 (1) address the natural resources commission; and
- 16 (2) provide written comments;
- 17 on whether the proposed commission should be established. ~~An officer~~
- 18 ~~or employee of the division of hearings of~~ The natural resources
- 19 commission may ~~on behalf of the natural resources commission;~~
- 20 convene the meeting, record the testimony given, and receive the
- 21 written comments provided.
- 22 (d) The natural resources commission shall give notice of a public
- 23 hearing to be held under subsection (c):
- 24 (1) by publication at least one (1) time in one (1) newspaper of
- 25 general circulation in the county in which the hearing will be
- 26 held; and
- 27 (2) through the website of the natural resources commission.
- 28 (e) In deciding whether to recognize a proposed commission, the
- 29 natural resources commission shall determine the answer to each of the
- 30 following questions:
- 31 (1) Are the purposes for which the proposed commission would
- 32 be established, as set forth in the ordinance or ordinances under
- 33 section 1(b)(3) of this chapter, within the purposes set forth in
- 34 IC 14-30.5-3-1 for which a watershed development commission
- 35 may be established?
- 36 (2) Do the purposes of the proposed commission, as set forth in
- 37 the ordinance or ordinances under section 1(b)(3) of this chapter,
- 38 correspond to legitimate flood damage reduction, drainage, storm
- 39 water management, recreation, or water infrastructure needs of
- 40 each county seeking establishment of the commission, as set forth
- 41 under section 1(b)(4) of this chapter?
- 42 (3) Is it reasonable to expect that the establishment of a



1 commission having powers under this article only in the county
 2 or counties from which the ordinance or ordinances were
 3 submitted under section 1(c)(1) of this chapter would effectively
 4 address the flood damage reduction, drainage, storm water
 5 management, recreation, or water infrastructure needs of each
 6 county that submitted an ordinance under section 1(c)(1) of this
 7 chapter?

8 (4) Is it reasonable to expect that the establishment of a
 9 commission that has powers under this article only in the area or
 10 areas inside the geographic boundaries of the designated
 11 watershed would effectively address the flood damage reduction,
 12 drainage, storm water management, recreation, or water
 13 infrastructure needs of each county that submitted an ordinance
 14 under section 1(c)(1) of this chapter?

15 (5) Is the territory of the proposed commission at least as large as
 16 the entirety of the same eight (8) digit U.S. Geological Survey
 17 hydrologic unit code?

18 (6) Has a regional watershed study or watershed management
 19 plan been conducted in consultation with the Indiana finance
 20 authority and the department of natural resources that assesses
 21 water use, water quality, drinking water systems, wastewater
 22 management systems, storm water management, flood control,
 23 drainage management, recreational uses, natural resources, and
 24 water infrastructure needs of the watershed of the proposed
 25 commission? If so, can the establishment of the proposed
 26 commission be expected to address the needs identified in that
 27 study or management plan?

28 (f) If:

29 (1) one (1) county's executive submits an ordinance and a request
 30 for recognition of a proposed commission under section 1(c) of
 31 this chapter; and

32 (2) the natural resources commission answers all of the questions
 33 set forth in subsection (e) favorably;

34 the natural resources commission shall issue an order recognizing the
 35 watershed development commission and recognizing the county
 36 referred to in subdivision (1) as a member of the watershed
 37 development commission.

38 (g) If:

39 (1) executives of two (2) or more counties submit ordinances and
 40 requests for recognition of a proposed watershed development
 41 commission under section 1(c) of this chapter; and

42 (2) the natural resources commission answers all of the questions



- 1 set forth in subsection (e) favorably with respect to at least one (1)
 2 of the counties;
 3 the natural resources commission shall issue an order recognizing the
 4 watershed development commission and recognizing as a member of
 5 the watershed development commission each county with respect to
 6 which the natural resources commission answered all of the questions
 7 set forth in subsection (e) favorably.
- 8 (h) If the natural resources commission does not answer all of the
 9 questions set forth in subsection (e) favorably with respect to a county,
 10 the natural resources commission shall:
- 11 (1) inform the executive of the county in writing of its decision;
 12 and
 13 (2) specify in the writing the reason or reasons for each
 14 unfavorable answer.
- 15 (i) The action of the natural resources commission under this section
 16 in declining to recognize a proposed watershed development
 17 commission for a particular watershed does not preclude the later
 18 submission of one (1) or more new ordinances and written requests for
 19 recognition of a proposed watershed development commission for the
 20 same designated watershed.
- 21 (j) An action of the natural resources commission under this section
 22 declining to recognize a particular county as a member of a watershed
 23 development commission does not preclude the later submission of:
- 24 (1) another ordinance and written request under section 1(c) of
 25 this chapter for recognition of the county as a member of another
 26 proposed watershed development commission; or
 27 (2) an ordinance and written request under section 4 or 5 of this
 28 chapter proposing the county for membership in an established
 29 watershed development commission.
- 30 SECTION 49. IC 14-30.5-2-6, AS ADDED BY P.L.251-2023,
 31 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2025]: Sec. 6. (a) A county to which section 4 or 5 of this
 33 chapter applies may not become a member of an existing watershed
 34 development commission unless:
- 35 (1) the executives of all of the counties that are members of the
 36 existing commission adopt ordinances accepting the county as a
 37 member county of the existing commission; and
 38 (2) the natural resources commission issues an order under this
 39 section recognizing the county as a member county of the existing
 40 commission.
- 41 (b) Before making a decision whether to recognize a county as a
 42 member county of an existing commission under this section, the



1 natural resources commission shall hold at least one (1) public hearing
 2 in the county concerning the proposed membership of the county in the
 3 existing commission. Any interested person attending a public hearing
 4 held under this subsection shall have the right to:

- 5 (1) address the natural resources commission; and
- 6 (2) provide written comments;

7 concerning the proposed membership of the county in the existing
 8 commission. ~~An officer or employee of the division of hearings of The~~
 9 ~~natural resources commission may on behalf of the natural resources~~
 10 ~~commission;~~ convene the meeting, record the testimony given, and
 11 receive the written comments provided.

12 (c) The natural resources commission shall give notice of a public
 13 hearing to be held under subsection (b):

- 14 (1) by publication at least one (1) time in one (1) newspaper of
 15 general circulation in the county in which the hearing will be
 16 held; and
- 17 (2) through the website of the natural resources commission.

18 (d) In deciding whether to recognize a county to which section 4 or
 19 5 of this chapter applies as a member of an existing commission, the
 20 natural resources commission shall determine the answer to each of the
 21 following questions:

- 22 (1) Do the stated purposes for which the watershed development
 23 commission was established correspond to the flood damage
 24 reduction, drainage, storm water management, recreation, or
 25 water infrastructure needs of the county, as stated under section
 26 4(b)(3) or 5(b)(3) of this chapter?
- 27 (2) Is it reasonable to expect that the county's flood damage
 28 reduction, drainage, storm water management, recreation, or
 29 water infrastructure needs, as stated under section 4(b)(3) or
 30 5(b)(3) of this chapter, would be addressed more effectively if the
 31 county were a member of the existing commission than those
 32 needs have previously been addressed?
- 33 (3) Would the county's membership in the existing commission
 34 diminish the effectiveness of the existing watershed development
 35 commission in addressing the flood damage reduction, drainage,
 36 storm water management, recreation, or water infrastructure
 37 needs of other member counties?
- 38 (4) Is the territory of the proposed commission at least as large as
 39 the entirety of the same eight (8) digit U.S. Geological Survey
 40 hydrologic unit code?
- 41 (5) Has a regional watershed study or watershed management
 42 plan been conducted in consultation with Indiana finance



1 authority and the department of natural resources that assesses
 2 water use, water quality, drinking water systems, wastewater
 3 management systems, storm water management, flood control,
 4 drainage management, recreational uses, natural resources, and
 5 water infrastructure needs of the watershed of the proposed
 6 commission? If so, can the establishment of the proposed
 7 commission be expected to address the needs identified in that
 8 study or management plan?

9 (e) If the natural resources commission answers all of the questions
 10 set forth in subsection (d) favorably, the natural resources commission
 11 shall issue an order recognizing the membership of the county in the
 12 existing commission.

13 (f) If the natural resources commission does not answer all of the
 14 questions set forth in subsection (d) favorably, the natural resources
 15 commission shall inform the executive of the county to which section
 16 4 or 5 of this chapter applies in writing of its decision and specify in the
 17 writing the reason or reasons for each unfavorable answer.

18 (g) An action of the natural resources commission under this section
 19 declining to recognize a county as a member of an established
 20 watershed development commission does not preclude the later
 21 submission of another ordinance under section 4 or 5 of this chapter
 22 seeking membership for the county in an existing commission.

23 SECTION 50. IC 14-31-3-11 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 11. (a) The department
 25 may ~~after notice and a hearing~~, revoke or suspend the license of a
 26 person who violates this chapter. All proceedings under this chapter to
 27 revoke or suspend a license ~~shall be conducted in the manner~~
 28 ~~prescribed by~~ **are subject to** IC 4-21.5-3.

29 (b) If a court determines that a person has violated this chapter, the
 30 court may, in addition to any other penalty, do the following:

31 (1) Suspend or revoke the license of the person for any period of
 32 time for which the license was issued.

33 (2) Order that a license not be issued to the person for a period not
 34 longer than five (5) years.

35 SECTION 51. IC 14-33-6-4, AS AMENDED BY P.L.56-2023,
 36 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) The commission shall do the
 38 following:

39 (1) Review each district plan.

40 (2) Request the technical assistance of any other state agency,
 41 including:

42 (A) the environmental rules board;



1 (B) the Indiana department of health; and
 2 (C) the department of environmental management;
 3 having administrative jurisdiction over any of the purposes of the
 4 district.

5 (b) The commission may also request technical assistance of any
 6 federal agency.

7 (c) The commission shall approve a plan if the following conditions
 8 are met:

9 (1) Any other state agency having authority over certain purposes
 10 of the district has approved that part of the plan.

11 (2) The commission finds that the plan accomplishes in an
 12 economical manner the purpose for which the district is
 13 established.

14 (d) The commission may reject a plan or any part of a plan. The
 15 board may make the changes that are necessary to secure the approval
 16 of the commission.

17 **(e) A determination of the commission under this section is**
 18 **subject to an administrative adjudication under IC 4-21.5.**

19 SECTION 52. IC 14-34-2-2, AS AMENDED BY P.L.128-2024,
 20 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2025]: Sec. 2. (a) ~~The commission shall appoint the following:~~

22 ~~(1) An administrative law judge to conduct proceedings under~~
 23 ~~IC 4-21.5. An administrative law judge is subject to IC 14-10-2-2.~~

24 ~~(2) A hearing officer to conduct proceedings under IC 4-22-2.~~

25 ~~(b) (a) An administrative law judge with the office of~~
 26 ~~administrative law proceedings is the ultimate authority for the~~
 27 ~~department for any an administrative review adjudication proceeding~~
 28 ~~under this article. except for the following:~~

29 ~~(1) Proceedings concerning the approval or disapproval of a~~
 30 ~~permit application or permit renewal under IC 14-34-4-13.~~

31 ~~(2) Proceedings for suspension or revocation of a permit under~~
 32 ~~IC 14-34-15-7.~~

33 ~~(3) Proceedings consolidated with the office of administrative law~~
 34 ~~proceedings under IC 14-10-2-2.5.~~

35 ~~(c) (b) An order made by an administrative law judge with the~~
 36 ~~office of administrative law proceedings granting or denying~~
 37 ~~temporary relief from a decision of the director is a final order. of the~~
 38 ~~department.~~

39 ~~(d) (c) Judicial review of a final order made by an administrative~~
 40 ~~law judge with the office of administrative law proceedings under~~
 41 ~~subsection (b) or (c) this section or under IC 13-4.1-2-1(c) or~~
 42 ~~IC 13-4.1-2-1(d) (before their repeal) may be taken under IC 4-21.5-5.~~



1 SECTION 53. IC 14-34-2-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. (a) After the
 3 commission has adopted rules as required by section 1 of this chapter,
 4 any person may petition the commission to initiate a proceeding for the
 5 adoption, amendment, or repeal of a rule adopted to enforce this article.

6 (b) The petition must set forth facts that the petitioner claims
 7 necessitate the adoption, amendment, or repeal of the rule described in
 8 subsection (a).

9 (c) The petition must specify the petitioner's proposed adoption,
 10 amendment, or repeal of a rule.

11 (d) Upon receipt of the petition, the commission may conduct any
 12 necessary investigations and hold a public hearing that is not subject
 13 to IC 4-21.5 to determine whether the petition should be granted. The
 14 commission may not hold a public hearing if the petition is incomplete.

15 (e) Within ninety (90) days of receipt of the petition, the
 16 commission shall either grant or deny the petition. If the petition is
 17 granted, the commission shall adopt, amend, or repeal the rule under
 18 IC 4-22-2. The commission shall send written notice to the petitioner
 19 setting forth the reasons for granting or denying the petition.

20 **(f) A determination under this section is subject to an**
 21 **administrative adjudication under IC 4-21.5.**

22 SECTION 54. IC 14-34-4-13 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 13. (a) ~~Within Not~~
 24 **later than** thirty (30) days after an applicant is notified of the approval
 25 or disapproval of an application:

26 (1) the applicant; or

27 (2) any person with an interest that is or may be adversely
 28 affected;

29 may request a hearing **under IC 4-21.5** on the reasons for the final
 30 determination. The request must identify the person's interest that is or
 31 may be affected by the approval or disapproval of the application.

32 ~~(b) Upon receipt of a request for a hearing under subsection (a), the~~
 33 ~~commission shall do the following:~~

34 ~~(1) Hold a hearing within thirty (30) days of the receipt of the~~
 35 ~~request.~~

36 ~~(2) Notify the applicant and all interested parties of the time and~~
 37 ~~place of the hearing.~~

38 ~~(3) Conduct the hearing and proceedings in accordance with~~
 39 ~~IC 4-21.5. For all hearings and proceedings commenced after July~~
 40 ~~1, 1991, the commission is limited to the record before the~~
 41 ~~director.~~

42 ~~(c) (b) Within Not later than~~ thirty (30) days after ~~the an~~



1 **evidentiary hearing, the ~~commission~~ office of administrative law**
 2 **proceedings** shall furnish:

- 3 (1) the applicant; and
 4 (2) all persons who participated in the hearing;
 5 a written decision and state the reasons for the decision.

6 SECTION 55. IC 14-34-4-17 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 17. If a hearing is
 8 requested under section 13 of this chapter, the ~~commission~~
 9 **administrative law judge** may ~~under the conditions that the~~
 10 ~~commission prescribes~~; grant appropriate temporary relief pending
 11 final determination of the proceedings if the following conditions are
 12 met:

- 13 (1) All parties to the proceedings are notified and given a
 14 opportunity to be heard on a request for temporary relief.
 15 (2) The person requesting temporary relief shows a substantial
 16 likelihood that the person will prevail on the merits of the final
 17 determination of the proceeding.
 18 (3) Temporary relief will not adversely affect the public health or
 19 safety or cause significant imminent environmental harm to land,
 20 air, or water resources.

21 SECTION 56. IC 14-34-6-11, AS AMENDED BY P.L.152-2021,
 22 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2025]: Sec. 11. (a) If written objections are filed and a hearing
 24 requested under section 10 of this chapter, the director shall do the
 25 following:

- 26 (1) Inform all the interested parties of the date, time, and location
 27 of the hearing.
 28 (2) Publish notice of the information one (1) time each week for
 29 two (2) consecutive weeks:
 30 (A) with each publication of notice in a newspaper of general
 31 circulation in the county where the surface coal mining and
 32 reclamation operation proposed for bond release is located; or
 33 (B) with the first publication of notice in the newspaper
 34 described in clause (A) and the second publication of notice:
 35 (i) in accordance with IC 5-3-5; and
 36 (ii) on the official web site of the county where the surface
 37 coal mining and reclamation operation proposed for bond
 38 release is located.

39 (b) The director shall hold the public hearing in accordance with
 40 IC 14-34-4-5:

- 41 (1) in the county where the surface coal mining and reclamation
 42 operation proposed for bond release is located; or



1 (2) at the state capital;
 2 at the option of the objector, within thirty (30) days of the request for
 3 the hearing.

4 (c) At a **public** hearing held under this section, the director may
 5 inspect the land affected and other surface coal mining operations
 6 carried on by the applicant in the vicinity.

7 (d) The director shall notify the permittee in writing of the decision
 8 ~~and findings of the hearing~~ within thirty (30) days of the completion of
 9 the hearing.

10 (e) The director's decision is subject to **an administrative**
 11 **adjudication under IC 4-21.5.**

12 SECTION 57. IC 14-34-16-1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) The director:

14 (1) may, after an opportunity for a public hearing under
 15 IC 4-21.5-3, assess a civil penalty on a permittee who violates:

16 (A) this article; or

17 (B) IC 13-4.1 (before its repeal); and

18 (2) shall, if the director has issued a cessation order for the
 19 violation to the permittee, assess a civil penalty.

20 (b) The civil penalty assessed under this section may be in an
 21 amount of not more than five thousand dollars (\$5,000) for each
 22 violation.

23 (c) If an operator fails to correct a violation for which a notification
 24 has been issued under:

25 (1) IC 13-4.1-11-4 (before its repeal); or

26 (2) IC 14-34-15-5;

27 in the allotted time for correction, the director may, if a civil penalty is
 28 assessed, assess a civil penalty of not less than seven hundred fifty
 29 dollars (\$750) for each day during which the failure or violation
 30 continues.

31 (d) The time for correction of a violation does not end until the entry
 32 of:

33 (1) a final order by the director, for review proceedings initiated
 34 by the operator if the director orders, after an expedited hearing,
 35 the suspension of the abatement requirements of the citation
 36 based upon a determination that the operator will suffer
 37 irreparable loss or damage from the application of those
 38 requirements; or

39 (2) an order of the court, for review proceedings initiated by the
 40 operator if the court orders the suspension of the abatement
 41 requirements of the citation.

42 (e) **A civil penalty under this section is subject to an**



1 **administrative adjudication under IC 4-21.5.**

2 SECTION 58. IC 14-34-16-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) Upon the
4 issuance of a notice or an order charging that a violation of IC 13-4.1
5 (before its repeal) or this article has occurred, the director shall, within
6 thirty (30) days, do the following:

7 (1) Inform the permittee of the amount of penalty assessed.

8 (2) Issue an order to the permittee to pay the penalty.

9 (b) The permittee has thirty (30) days from receipt of the order to:

10 (1) pay the penalty; or

11 (2) request a hearing to contest the amount.

12 (c) If the permittee requests a hearing, the permittee shall forward
13 an amount equal to the assessed penalty to the director, who shall place
14 the amount in an escrow account. A permittee who desires to contest
15 the violation or amount of penalty assessed but fails to forward the
16 amount to the director waives all legal rights to contest the violation or
17 amount of penalty assessed.

18 (d) The commission:

19 (1) shall conduct the hearing in accordance with IC 4-21.5-3; and

20 (2) may consolidate this hearing with a hearing conducted under
21 IC 14-34-15 if appropriate.

22 (e) If it is determined at the hearing that the civil penalty is
23 appropriate, the commission shall issue to the permittee a written
24 decision and an order to pay the penalty within thirty (30) days of
25 receipt of the order.

26 (f) If, through administrative or judicial review of the assessed
27 penalty:

28 (1) it is determined that a violation did not occur; or

29 (2) the amount of penalty is reduced;

30 the director shall, within thirty (30) days of the decision, remit the
31 appropriate amount to the permittee with interest at the rate of eight
32 percent (8%) per year.

33 **(g) A civil penalty under this section is subject to an**
34 **administrative adjudication under IC 4-21.5.**

35 SECTION 59. IC 14-36-1-32 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 32. IC 4-21.5 applies
37 to **a determination made under** this chapter.

38 SECTION 60. IC 14-37-3-17 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 17. An order resulting
40 from an informal hearing under section 16 of this chapter is subject to
41 **administrative review an administrative adjudication** under
42 IC 4-21.5, except an order under section 16(1) of this chapter, which



1 is subject to review under IC 4-22-2.

2 SECTION 61. IC 14-37-8-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10. **(a)** Any person may
4 request a hearing before the commission under IC 4-21.5 to consider
5 whether a well for oil and gas purposes is:

6 (1) leaking or may leak a deleterious substance into an aquifer
7 containing fresh water or onto the surface of the land; or

8 (2) allowing oil or gas from the well to escape into the
9 atmosphere.

10 **(b) A determination under this section is subject to an**
11 **administrative adjudication under IC 4-21.5.**

12 SECTION 62. IC 14-37-9-4 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. The ~~commission~~
14 **office of administrative law proceedings** shall determine any dispute
15 that arises under this chapter **under IC 4-21.5.**

16 SECTION 63. IC 14-37-12-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. A notice of violation
18 under this chapter is subject to IC 4-21.5-3-6. The notice must include
19 the following:

20 (1) The nature of the violation.

21 (2) What action is appropriate to abate the violation.

22 (3) The date by which the violation must be abated.

23 (4) The procedure to obtain ~~administrative review~~ **an**
24 **administrative adjudication under IC 4-21.5** if the owner or
25 operator is aggrieved by issuance of the notice of violation.

26 SECTION 64. IC 14-37-12-4 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. A notice of violation
28 issued under this chapter becomes effective without a proceeding under
29 IC 4-21.5-3 unless a person requests ~~administrative review~~ **an**
30 **administrative adjudication** under IC 4-21.5-3-6 within thirty (30)
31 days of issuance.

32 SECTION 65. IC 14-37-13-4 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. A civil penalty
34 assessed under section 3 of this chapter is subject to IC 4-21.5-3-6 and
35 becomes effective without a proceeding under IC 4-21.5-3 unless a
36 person requests an administrative ~~review~~ **adjudication** within thirty
37 (30) days of notice of the assessment.

38 SECTION 66. IC 14-39-1-11, AS ADDED BY P.L.150-2011,
39 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2025]: Sec. 11. A determination of the department under
41 section 4(e)(2) of this chapter is subject to **an** administrative ~~review~~
42 **adjudication** under IC 4-21.5.



1 SECTION 67. IC 23-19-3-6, AS ADDED BY P.L.27-2007,
 2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2025]: Sec. 6. (a) The commissioner may issue a stop order
 4 denying effectiveness to, or suspending or revoking the effectiveness
 5 of, a registration statement if the commissioner finds that the order is
 6 in the public interest and that:

7 (1) the registration statement as of its effective date or before the
 8 effective date in the case of an order denying effectiveness, an
 9 amendment under section 5(j) of this chapter as of its effective
 10 date, or a report under section 5(i) of this chapter, is incomplete
 11 in a material respect or contains a statement that, in the light of
 12 the circumstances under which it was made, was false or
 13 misleading with respect to a material fact;

14 (2) this article, a rule adopted or order issued under this article, or
 15 a condition imposed under this article has been willfully violated,
 16 in connection with the offering, by the person filing the
 17 registration statement; by the issuer, a partner, officer, or director
 18 of the issuer or a person having a similar status or performing a
 19 similar function; a promoter of the issuer; by a person directly or
 20 indirectly controlling or controlled by the issuer, but only if the
 21 person filing the registration statement is directly or indirectly
 22 controlled by or acting for the issuer; or by an underwriter;

23 (3) the security registered or sought to be registered is the subject
 24 of a permanent or temporary injunction of a court with
 25 jurisdiction or an administrative stop order or similar order issued
 26 under any federal, foreign, or state law other than this article
 27 applicable to the offering, but the commissioner may not institute
 28 a proceeding against an effective registration statement under this
 29 subdivision more than one (1) year after the date of the order or
 30 injunction on which it is based, and the commissioner may not
 31 issue an order under this subdivision on the basis of an order or
 32 injunction issued under the securities act of another state unless
 33 the order or injunction was based on conduct that would
 34 constitute, as of the date of the order, a ground for a stop order
 35 under this section;

36 (4) the issuer's enterprise or method of business includes or would
 37 include activities that are unlawful where performed;

38 (5) with respect to a security sought to be registered under section
 39 3 of this chapter, there has been a failure to comply with the
 40 undertaking required by section 3(b)(4) of this chapter;

41 (6) the applicant or registrant has not paid the filing fee, but the
 42 commissioner shall void the order if the deficiency is corrected;



- 1 or
 2 (7) the offering:
 3 (A) will work or tend to work a fraud upon purchasers or
 4 would so operate; or
 5 (B) has been or would be made with unreasonable amounts of
 6 underwriters' and sellers' discounts, commissions, or other
 7 compensation, or promoters' profits or participations, or
 8 unreasonable amounts or kinds of options.
 9 (b) To the extent practicable, the commissioner by rule adopted or
 10 order issued under this article shall publish standards that provide
 11 notice of conduct that violates subsection (a)(7).
 12 (c) The commissioner may not institute a stop order proceeding
 13 against an effective registration statement on the basis of conduct or a
 14 transaction known to the commissioner when the registration statement
 15 became effective unless the proceeding is instituted within thirty (30)
 16 days after the registration statement became effective.
 17 (d) The commissioner may summarily revoke, deny, postpone, or
 18 suspend the effectiveness of a registration statement pending final
 19 determination of an administrative ~~proceeding~~ **adjudication**. Upon the
 20 issuance of the order, the commissioner shall promptly notify each
 21 person specified in subsection (e) that the order has been issued, the
 22 reasons for the revocation, denial, postponement, or suspension, and
 23 that within ~~fifteen (15)~~ **thirty (30)** days after the receipt of a request in
 24 a record from the person for an administrative adjudication, the
 25 matter will be scheduled for a ~~hearing~~ **an administrative**
 26 **adjudication before an administrative law judge from the office of**
 27 **administrative law proceedings**. If a ~~hearing~~ **an administrative**
 28 **adjudication** is not requested and ~~none is ordered by the commissioner~~
 29 **by any party** within thirty (30) days after the date of service of the
 30 order, the order becomes final. If a ~~hearing~~ **an administrative**
 31 **adjudication** is requested, ~~or ordered, the commissioner, after notice~~
 32 ~~of and opportunity for hearing for each person subject to the order, may~~
 33 ~~modify or vacate the order or extend the order until final determination;~~
 34 **the administrative law judge must conduct the administrative**
 35 **adjudication pursuant to IC 4-21.5**.
 36 (e) A stop order may not be issued under this section without:
 37 (1) appropriate notice to the applicant or registrant, the issuer, and
 38 the person on whose behalf the securities are to be or have been
 39 offered;
 40 (2) an opportunity for hearing; and
 41 (3) findings of fact and conclusions of law in a record.
 42 (f) The commissioner may modify or vacate a stop order issued



1 under this section if the commissioner finds that the conditions that
2 caused its issuance have changed or that it is necessary or appropriate
3 in the public interest or for the protection of investors.

4 SECTION 68. IC 23-19-6-1, AS AMENDED BY P.L.156-2023,
5 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2025]: Sec. 1. (a) This article shall be administered by a
7 division of the office of the secretary of state. The secretary of state
8 shall appoint a securities commissioner who shall be responsible for
9 the direction and supervision of the division and the administration of
10 this article under the direction and control of the secretary of state. The
11 salary of the securities commissioner shall be paid out of the funds
12 appropriated for the administration of this article. The commissioner
13 shall serve at the will of the secretary of state.

14 (b) The secretary of state:

15 (1) shall employ a chief deputy, attorneys, a senior investigator,
16 a senior accountant, and other deputies, investigators,
17 accountants, clerks, stenographers, and other employees necessary
18 for the administration of this article; and

19 (2) shall fix their compensation with the approval of the budget
20 agency.

21 (c) It is unlawful for the commissioner or an officer, employee, or
22 designee of the commissioner to use for personal benefit or the benefit
23 of others records or other information obtained by or filed with the
24 commissioner that is not public under section 7(b) of this chapter. This
25 article does not authorize the commissioner or an officer, employee, or
26 designee of the commissioner to disclose the record or information,
27 except in accordance with section 2, 7(c), or 8 of this chapter.

28 (d) This article does not create or diminish a privilege or exemption
29 that exists at common law, by statute or rule, or otherwise.

30 (e) Subject to IC 4-2-6-15, the commissioner may develop and
31 implement investor education initiatives to inform the public about
32 investing in securities, with particular emphasis on the prevention and
33 detection of securities fraud. In developing and implementing these
34 initiatives, the commissioner may collaborate with public and nonprofit
35 organizations with an interest in investor education. The commissioner
36 may accept a grant or donation from a person that is not affiliated with
37 the securities industry or from a nonprofit organization, regardless of
38 whether the organization is affiliated with the securities industry, to
39 develop and implement investor education initiatives. This subsection
40 does not authorize the commissioner to require participation or
41 monetary contributions of a registrant in an investor education
42 program.



1 (f) The securities division enforcement account is established.
 2 Except as provided in subsection (o), fees and funds of whatever
 3 character accruing from the administration of this article shall be
 4 accounted for by the secretary of state and shall be deposited with the
 5 treasurer of state to be deposited by the treasurer of the state in either
 6 the state general fund or the securities division enforcement account.
 7 Subject to IC 4-2-6-15, expenses incurred in the administration of this
 8 article shall be paid from the state general fund upon appropriation
 9 being made for the expenses in the manner provided by law for the
 10 making of those appropriations. The following shall be deposited by the
 11 treasurer of state in the securities division enforcement account:

- 12 (1) Grants and donations received under subsection (e).
 13 (2) Costs of investigations recovered under section ~~4(e)~~ **4** of this
 14 chapter.
 15 (3) Fifty percent (50%) of the first four million dollars
 16 (\$4,000,000):
 17 (A) of a civil penalty recovered under section 3(b) or ~~4(d)~~ **4(g)**
 18 of this chapter;
 19 (B) recovered in a settlement of an action initiated to enforce
 20 this article; or
 21 (C) awarded as a judgment in an action to enforce this article.

22 (g) The following shall be deposited by the treasurer of state in the
 23 state general fund:

- 24 (1) Fifty percent (50%) of the first four million dollars
 25 (\$4,000,000):
 26 (A) of a civil penalty recovered under section 3(b) or ~~4(d)~~ **4(g)**
 27 of this chapter;
 28 (B) recovered in a settlement of an action initiated to enforce
 29 this article; or
 30 (C) awarded as a judgment in an action to enforce this article.
 31 (2) Any amount exceeding four million dollars (\$4,000,000):
 32 (A) of a civil penalty recovered under section 3(b) or ~~4(d)~~ **4(g)**
 33 of this chapter;
 34 (B) recovered in a settlement of an action initiated to enforce
 35 this article; or
 36 (C) awarded as a judgment in an action to enforce this article.
 37 (3) Subject to subsection (o), other fees and revenues that are not
 38 designated for deposit in the securities division enforcement
 39 account or the securities restitution fund.

40 (h) Notwithstanding IC 23-2-2.5-34, IC 23-2-2.5-43, IC 23-2.5-2,
 41 IC 23-19-4-12, IC 25-11-1-15, and this chapter, five percent (5%) of
 42 funds received for deposit in the securities division enforcement



1 account shall instead be deposited in the securities restitution fund
 2 established by IC 23-20-1-25. Subject to IC 4-2-6-15, the funds
 3 deposited in the enforcement account shall be available, with the
 4 approval of the budget agency:

5 (1) to augment and supplement the funds appropriated for the
 6 administration of this article; and

7 (2) for grants and awards to nonprofit entities for programs and
 8 activities that will further investor education and financial literacy
 9 in the state.

10 The funds in the enforcement account do not revert to the state general
 11 fund at the end of any state fiscal year.

12 (i) In connection with the administration and enforcement of this
 13 article, the attorney general shall render all necessary assistance to the
 14 commissioner upon the commissioner's request, and to that end, the
 15 attorney general shall employ legal and other professional services as
 16 are necessary to adequately and fully perform the service under the
 17 direction of the commissioner as the demands of the securities division
 18 shall require. Expenses incurred by the attorney general for the
 19 purposes stated in this subsection shall be chargeable against and paid
 20 out of funds appropriated to the attorney general for the administration
 21 of the attorney general's office. The attorney general may authorize the
 22 commissioner and the commissioner's designee to represent the
 23 commissioner and the securities division in any proceeding involving
 24 enforcement or defense of this article.

25 (j) Neither the secretary of state, the commissioner, nor an employee
 26 of the securities division shall be liable in their individual capacity,
 27 except to the state, for an act done or omitted in connection with the
 28 performance of their respective duties under this article.

29 (k) The commissioner shall take, prescribe, and file the oath of
 30 office prescribed by law. The commissioner, chief deputy
 31 commissioner, and each attorney or investigator designated by the
 32 commissioner are police officers of the state and shall have all the
 33 powers and duties of police officers in making arrests for violations of
 34 this article, or in serving any process, notice, or order connected with
 35 the enforcement of this article by whatever officer, authority, or court
 36 issued and shall comprise the enforcement department of the division
 37 and are considered a criminal justice agency for purposes of IC 5-2-4
 38 and IC 10-13-3.

39 (l) The provisions of this article delegating and granting power to
 40 the secretary of state, the securities division, and the commissioner
 41 shall be liberally construed to the end that:

42 (1) the practice or commission of fraud may be prohibited and



1 prevented;

2 (2) disclosure of sufficient and reliable information in order to
3 afford reasonable opportunity for the exercise of independent
4 judgment of the persons involved may be assured; and

5 (3) the qualifications may be prescribed to assure availability of
6 reliable broker-dealers, investment advisers, and agents engaged
7 in and in connection with the issuance, barter, sale, purchase,
8 transfer, or disposition of securities in this state.

9 It is the intent and purpose of this article to delegate and grant to and
10 vest in the secretary of state, the securities division, and the
11 commissioner full and complete power to carry into effect and
12 accomplish the purpose of this article and to charge them with full and
13 complete responsibility for its effective administration.

14 (m) Copies of any statement and documents filed in the office of the
15 secretary of state and of any records of the secretary of state certified
16 by the commissioner shall be admissible in any prosecution, action,
17 suit, or proceeding based upon, arising out of, or under this article to
18 the same effect as the original of such statement, document, or record
19 would be if actually produced.

20 (n) IC 4-21.5 and any rules of practice adopted by the securities
21 division are applicable to administrative proceedings under this article.

22 (o) Notwithstanding any other law, two percent (2%) of funds
23 received for deposit in the state general fund as described in subsection
24 (g)(3) shall instead be deposited in the securities restitution fund
25 established by IC 23-20-1-25.

26 SECTION 69. IC 23-19-6-2, AS AMENDED BY P.L.205-2019,
27 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2025]: Sec. 2. (a) The commissioner may:

29 (1) conduct public or private investigations within or outside this
30 state which the commissioner considers necessary or appropriate
31 to determine whether a person has violated, is violating, or is
32 about to violate this article or a rule adopted or order issued under
33 this article, or to aid in the enforcement of this article or in the
34 adoption of rules and forms under this article;

35 (2) require or permit a person to testify, file a statement, or
36 produce a record, under oath or otherwise as the commissioner
37 determines, as to all the facts and circumstances concerning a
38 matter to be investigated or about which an action or proceeding
39 is to be instituted; and

40 (3) publish a record concerning an action, proceeding, or an
41 investigation under, or a violation of, this article or a rule adopted
42 or order issued under this article if the commissioner determines



- 1 it is necessary or appropriate in the public interest and for the
2 protection of investors.
- 3 (b) For the purpose of an investigation under this article, the
4 commissioner or the commissioner's designated officer may administer
5 oaths and affirmations, subpoena witnesses, seek compulsion of
6 attendance, take evidence, require the filing of statements, and require
7 the production of any records that the commissioner considers relevant
8 or material to the investigation. Upon order of the commissioner,
9 ~~before July 1, 2020, a hearing officer appointed by the commissioner;~~
10 ~~or, after June 30, 2020, an administrative law judge assigned, after~~
11 ~~request by the commissioner, by the office of administrative law~~
12 ~~proceedings established by IC 4-15-10.5-7, in any hearing;~~ depositions
13 may be taken in the manner prescribed by law for depositions in civil
14 actions and made returnable to the commissioner. ~~a hearing officer~~
15 ~~appointed by the commissioner, or administrative law judge.~~
- 16 (c) If a person does not appear or refuses to testify, file a statement,
17 or produce records, or otherwise does not obey a subpoena as required
18 by this article, the commissioner ~~before July 1, 2020, a hearing officer~~
19 ~~appointed by the commissioner, or, after June 30, 2020, an~~
20 ~~administrative law judge assigned, after request by the commissioner,~~
21 ~~by the office of administrative law proceedings established by~~
22 ~~IC 4-15-10.5-7,~~ may apply to the circuit or superior court in the county
23 where the hearing, investigation, or inquiry in question is being
24 conducted to enforce compliance. The court may:
- 25 (1) hold the person in contempt;
 - 26 (2) order the person to appear before the commissioner; ~~hearing~~
27 ~~officer appointed by the commissioner, or administrative law~~
28 ~~judge;~~
 - 29 (3) order the person to testify about the matter under investigation
30 or in question;
 - 31 (4) order the production of records;
 - 32 (5) grant injunctive relief, including restricting or prohibiting the
33 offer or sale of securities or the providing of investment advice;
 - 34 (6) impose a civil penalty of not more than twenty thousand
35 dollars (\$20,000) for each violation; and
 - 36 (7) grant any other necessary or appropriate relief.
- 37 (d) This section does not preclude a person from applying to the
38 circuit or superior court in the county where the ~~hearing,~~ investigation
39 or inquiry in question is being conducted for relief from a request to
40 appear, testify, file a statement, produce records, or obey a subpoena.
- 41 (e) If a witness, in any ~~hearing,~~ inquiry or investigation conducted
42 under this article, refuses to answer any question or produce any item,



1 the commissioner may file a written petition with the circuit or superior
 2 court in the county where the ~~hearing~~, investigation or inquiry in
 3 question is being conducted requesting a hearing on the refusal. The
 4 court shall hold a hearing to determine if the witness may refuse to
 5 answer the question or produce the item. If the court determines that
 6 the witness, based upon the witness's privilege against
 7 self-incrimination, may properly refuse to answer or produce an item,
 8 the commissioner may make a written request that the court grant use
 9 immunity to the witness. Upon written request of the commissioner, the
 10 court shall grant use immunity to a witness. The court shall instruct the
 11 witness, by written order or in open court, that:

12 (1) any evidence the witness gives, or evidence derived from that
 13 evidence, may not be used in any criminal proceedings against
 14 that witness, unless the evidence is volunteered by the witness or
 15 is not responsive to a question; and

16 (2) the witness must answer the questions asked and produce the
 17 items requested. A grant of use immunity does not prohibit the
 18 use of evidence that the witness gives in a ~~hearing~~, an
 19 investigation or inquiry from being used in a prosecution for
 20 perjury under IC 35-44.1-2-1. If a witness refuses to give the
 21 evidence after the witness has been granted use immunity, the
 22 court may find the witness in contempt.

23 (f) At the request of the securities regulator of another state or a
 24 foreign jurisdiction, the commissioner may provide assistance if the
 25 requesting regulator states that it is conducting an investigation to
 26 determine whether a person has violated, is violating, or is about to
 27 violate a law or rule of the other state or foreign jurisdiction relating to
 28 securities matters that the requesting regulator administers or enforces.
 29 The commissioner may provide the assistance by using the authority to
 30 investigate and the powers conferred by this section as the
 31 commissioner determines is necessary or appropriate. The assistance
 32 may be provided without regard to whether the conduct described in
 33 the request would also constitute a violation of this article or other law
 34 of this state if occurring in this state. In deciding whether to provide the
 35 assistance, the commissioner may consider whether the requesting
 36 regulator is permitted and has agreed to provide assistance reciprocally
 37 within its state or foreign jurisdiction to the commissioner on securities
 38 matters when requested; whether compliance with the request would
 39 violate or prejudice the public policy of this state; and the availability
 40 of resources and employees of the commissioner to carry out the
 41 request for assistance.

42 (g) In any prosecution, action, suit, or proceeding based upon or



1 arising out of or under the provisions of this article, a certificate duly
 2 signed by the commissioner showing compliance or noncompliance
 3 with the provisions of this article, respecting the security in question or
 4 respecting compliance or noncompliance of this article, by any issuer,
 5 broker-dealer, investment advisor, or agent, shall constitute prima facie
 6 evidence of compliance or noncompliance with the provisions of this
 7 article, as the case may be, and shall be admissible in evidence in any
 8 action at law or in equity to enforce this article.

9 (h) Each witness who shall appear before the commissioner ~~or a~~
 10 ~~hearing officer appointed by the commissioner~~ by order shall receive
 11 for the witness's attendance the fees and mileage provided for witnesses
 12 in civil cases, which shall be audited and paid by the state in the same
 13 manner as other expenses of the securities division are audited and paid
 14 upon the presentation of proper vouchers sworn to by the witnesses and
 15 approved by the commissioner. However, no witnesses subpoenaed at
 16 the instance of parties other than the commissioner ~~or a hearing officer~~
 17 ~~appointed by the commissioner~~ shall be entitled to any fee or
 18 compensation from the state.

19 SECTION 70. IC 23-19-6-4, AS AMENDED BY P.L.156-2009,
 20 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2025]: Sec. 4. (a) If the commissioner determines that a
 22 person has engaged, is engaging, or is about to engage in an act,
 23 practice, or course of business constituting a violation of this article or
 24 a rule adopted or order issued under this article or that a person has
 25 materially aided, is materially aiding, or is about to materially aid an
 26 act, practice, or course of business constituting a violation of this
 27 article or a rule adopted or order issued under this article, the
 28 commissioner may:

29 (1) investigate and may issue ~~with or without a prior hearing,~~
 30 orders and notices as the commissioner determines to be in the
 31 public interest, including cease and desist orders, orders to show
 32 cause, and notices. After notice and ~~hearing,~~ **issuance of an**
 33 **order by the commissioner, and prior to a petition for review,**
 34 the commissioner may enter ~~an order of rescission, restitution, or~~
 35 ~~disgorgement,~~ **a settlement agreement that may include**
 36 **rescission, restitution, or disgorgement,** including interest at the
 37 legal rate of interest, directed to a person who has violated this
 38 article or a rule or order under this article;

39 (2) issue an order denying, suspending, revoking, or conditioning
 40 the exemptions for a broker-dealer under IC 23-19-4-1(b)(1)(D)
 41 or IC 23-19-4-1(b)(1)(F) or an investment adviser under
 42 IC 23-19-4-3(b)(1)(C); or



1 (3) issue an order under IC 23-19-2-4.

2 (b) An order under subsection (a):

3 (1) is effective on the date of issuance; **and**

4 (2) ~~upon issuance of the order, the commissioner shall promptly~~
5 ~~serve each person subject to the order with a copy of the order and~~
6 ~~a notice that the order has been entered. The order must include:~~

7 (A) a statement whether the commissioner will seek a civil
8 penalty or costs of the investigation;

9 (B) a statement of the reasons for the order; and ~~notice that,~~
10 ~~within fifteen (15) days after receipt of a request in a record~~
11 ~~from the person, the matter will be scheduled for a hearing.~~

12 (C) **a brief explanation of the available procedures and the**
13 **time limit for seeking administrative review.**

14 (c) **Upon issuance of the order, the commissioner shall promptly**
15 **serve each person subject to the order with a copy of the order and**
16 **a notice that the order has been entered.**

17 (d) ~~If a person subject to the order does not request a hearing and~~
18 ~~none is ordered by the commissioner an administrative adjudication~~
19 ~~within forty-five (45) days after the date of service of the order, the~~
20 ~~order, which may include a civil penalty or costs of the investigation if~~
21 ~~a civil penalty or costs were sought in the statement accompanying the~~
22 ~~order, becomes final as to that person by operation of law.~~

23 (e) ~~If a hearing is requested or ordered, the commissioner, person~~
24 ~~subject to the order requests an administrative adjudication, the~~
25 ~~office of administrative law proceedings shall assign the~~
26 ~~administrative adjudication to an administrative law judge.~~

27 (f) ~~After notice of to each person subject to an order and~~
28 ~~opportunity for hearing an administrative adjudication to each person~~
29 ~~subject to the order, the administrative law judge may modify or~~
30 ~~vacate the order or extend it until final determination.~~

31 (g) **In a final order issued by an administrative law judge, the**
32 **administrative law judge may impose a civil penalty up to ten**
33 **thousand dollars (\$10,000) per violation. Penalties collected under**
34 **this section shall be deposited in the securities division enforcement**
35 **account established under section 1 of this chapter.**

36 (h) ~~If a hearing an administrative adjudication is requested or~~
37 ~~ordered under subsection (b); (e), the hearing administrative~~
38 ~~adjudication must be held not later than fifteen (15) thirty (30)~~
39 ~~business days after receipt if the original order issued by the~~
40 ~~commissioner was a summary suspension, summary revocation, or~~
41 ~~denial of a license and not later than forty-five (45) business days after~~
42 ~~receipt for all other orders. A final order may not be issued unless the~~



1 commissioner makes findings of fact and conclusions of law in a
 2 record. The final order may make final, vacate, or modify the order
 3 issued under subsection (a). **The administrative law judge must**
 4 **conduct the administrative adjudication pursuant to IC 4-21.5.**

5 (d) In a final order under subsection (c), the commissioner may
 6 impose a civil penalty up to ten thousand dollars (\$10,000) per
 7 violation. Penalties collected under this section shall be deposited in
 8 the securities division enforcement account established under section
 9 † of this chapter.

10 (e) In a final order, the commissioner may charge the cost of an
 11 investigation or proceeding for a violation of this article or a rule
 12 adopted or order issued under this article.

13 (i) **The office of administrative law proceedings is the ultimate**
 14 **authority, as set forth in IC 4-21.5-1-15, for administrative**
 15 **adjudications under this section.**

16 (f) (j) **After exhausting administrative remedies**, if a petition for
 17 judicial review of a final order is not filed in accordance with section
 18 9 of this chapter, the commissioner may file a certified copy of the final
 19 order with the clerk of a court with jurisdiction. The order so filed has
 20 the same effect as a judgment of the court and may be recorded,
 21 enforced, or satisfied in the same manner as a judgment of the court.

22 (g) (k) If a person does not comply with an order under this section,
 23 the commissioner may petition a court with jurisdiction to enforce the
 24 order. The court may not require the commissioner to post a bond in an
 25 action or proceeding under this section. If the court finds, after service
 26 and opportunity for hearing, that the person was not in compliance with
 27 the order, the court may adjudge the person in civil contempt of the
 28 order. The court may impose a further civil penalty against the person
 29 for contempt in an amount not greater than twenty thousand dollars
 30 (\$20,000) for each violation and may grant any other relief the court
 31 determines is just and proper in the circumstances.

32 (h) (l) The commissioner shall send a certified copy of every final
 33 order that suspends or revokes a person's registration under this article,
 34 or that orders a person who is not registered under this article to cease
 35 and desist from violating this article, to the insurance commissioner
 36 appointed under IC 27-1-1-2. The insurance commissioner shall act in
 37 accordance with IC 27-1-15.6-29.5.

38 SECTION 71. IC 23-19-6-9, AS ADDED BY P.L.27-2007,
 39 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2025]: Sec. 9. (a) ~~An appeal~~ **Judicial review** may be ~~taken~~
 41 **requested** by:

42 (1) any issuer, investment adviser, or registered broker-dealer



1 whose application for registration of an issue of securities may
 2 have been granted or denied, from any final order of the
 3 commissioner respecting that application or registration;

4 (2) any applicant for registration as a broker-dealer, investment
 5 adviser, or agent of any registered broker-dealer, investment
 6 advisor, or agent, from any final order of the commissioner
 7 affecting the application or registration as a broker-dealer,
 8 investment adviser, or agent;

9 (3) any person against whom a civil penalty has been imposed
 10 under section 3(b) or 4(d) of this chapter, from the final order of
 11 the ~~commissioner~~ **administrative law judge** imposing the civil
 12 penalty; or

13 (4) any person who is named a respondent, from any final order
 14 issued by the ~~commissioner~~ **administrative law judge** under
 15 section 2 3; or 4 of this chapter;

16 ~~to the circuit or superior court of Marion County or the county wherein~~
 17 ~~the person taking the appeal resides or maintains a place of business.~~
 18 **as set forth in IC 4-21.5-5.**

19 (b) Within twenty (20) days after the entry of the order, the
 20 commissioner ~~and the office of administrative law proceedings~~ shall
 21 be served with

22 (1) a written notice of the appeal stating the court to which the
 23 appeal will be taken and the grounds upon which a reversal of the
 24 final order is sought;

25 (2) a demand in writing for a certified transcript of the record and
 26 of all papers on file in the commissioner's office affecting or
 27 relating to the order; and

28 (3) a bond in the penal sum of five hundred dollars (\$500) to the
 29 state of Indiana with sufficient surety to be approved by the
 30 commissioner, conditioned upon the faithful prosecution of the
 31 ~~appeal to final judgment~~ **judicial review** and the payment of all
 32 costs that shall be adjudged against the appellant.

33 (c) After the commissioner has been served with the items specified
 34 in subsection (b), the commissioner shall ~~within ten (10) days~~ make,
 35 certify, and deliver to the appellant the transcript, and the appellant
 36 shall ~~within five (5) days~~ file the same and a copy of the notice of
 37 appeal with the clerk of the court, which notice of appeal shall stand as
 38 appellant's complaint, and the commissioner may appear and file any
 39 motion or pleading and form the issue. The cause shall be entered on
 40 the trial calendar for trial de novo and given precedence over all
 41 matters pending in the court. **prepare the agency record pursuant to**
 42 **IC 4-21.5-5-13.**



1 (d) The court shall receive and consider any pertinent evidence,
 2 whether oral or documentary, concerning the order of the commissioner
 3 from which the ~~appeal~~ **judicial review** is taken. If the order of the
 4 commissioner is reversed, the court shall in its mandate specifically
 5 direct the commissioner as to the commissioner's further action in the
 6 matter, including the making and entering of any order or orders in
 7 connection therewith and the conditions, limitations, or restrictions to
 8 be contained. The commissioner is not barred from revoking or altering
 9 the order for any proper cause that may thereafter accrue or be
 10 discovered. If the order is affirmed, the appellant is not barred after
 11 thirty (30) days from filing a new application if the application is not
 12 otherwise barred or limited. The ~~appeal~~ **judicial review** shall not in any
 13 way suspend the operation of the order ~~appealed from~~ **under judicial**
 14 **review** during the pendency of the ~~appeal~~ **judicial review** unless upon
 15 proper order of the court. An appeal may be taken from the judgment
 16 of the court on any appeal on the same terms and conditions as an
 17 appeal is taken in civil actions.

18 SECTION 72. IC 25-1-7-7 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 7. (a) If there has been
 20 no statement of settlement filed by the board under section 6 of this
 21 chapter, and if, after conducting an investigation, the director believes
 22 that the licensee should be subjected to disciplinary sanctions by the
 23 board of ~~his~~ **the licensee's** regulated occupation, then ~~he~~ **the director**
 24 shall so report to the attorney general.

25 (b) Upon receiving the director's report, the attorney general may
 26 prosecute the matter, on behalf of the state of Indiana, before the board.

27 (c) The board may designate ~~any person as~~ a hearing officer to hear
 28 the matter **as set forth in section 7.5 of this chapter.**

29 ~~(b) (d)~~ Notwithstanding subsection ~~(a) (b), of this section,~~ if the
 30 board by majority vote so requests, the attorney general shall prosecute
 31 the matter before the board, on behalf of the state of Indiana.

32 SECTION 73. IC 25-1-7-7.5 IS ADDED TO THE INDIANA CODE
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2025]: Sec. 7.5. (a) **This section is not subject to IC 4-15-10.5.**

35 (b) **The board may designate a member of the board to serve as**
 36 **a hearing officer under section 7(c) of this chapter.**

37 (c) **The board may designate a hearing officer before a:**

38 (1) **particular; or**

39 (2) **general;**

40 **class of proceedings commences.**

41 (d) **A hearing officer must recuse themselves if the hearing officer**
 42 **has bias, prejudice, or knowledge of a disputed evidentiary issue**



1 that may influence the hearing officer's decision or an interest in
 2 the outcome of a proceeding. The hearing officer must inform the
 3 parties of the reason for the recusal.

4 (e) A party may petition for the disqualification of a hearing
 5 officer upon discovering facts establishing grounds for
 6 disqualification under this chapter. The hearing officer assigned to
 7 the proceeding shall determine whether to grant the petition,
 8 stating facts and reasons for the determination.

9 (f) If the hearing officer denies a disqualification petition under
 10 subsection (e), the party petitioning for disqualification may
 11 petition the ultimate authority. The ultimate authority shall:

12 (1) conduct proceedings under IC 4-21.5-3-28; or

13 (2) request that the director of the office of administrative law
 14 proceedings conduct proceedings under IC 4-21.5-3-28;

15 to review the petition and affirm, modify, or dissolve the ruling not
 16 later than thirty (30) days after the petition is filed. A
 17 determination by the ultimate authority or the director of the office
 18 of administrative law proceedings under this subsection is a final
 19 order subject to judicial review under IC 4-21.5-5.

20 (g) If an alternate hearing officer is necessary because a hearing
 21 officer recuses themselves or is disqualified, the board must appoint
 22 an alternate hearing officer.

23 SECTION 74. IC 25-2.1-9-4, AS AMENDED BY P.L.83-2024,
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2025]: Sec. 4. (a) This section applies to a licensee that
 26 receives a peer review rating of fail for a peer review conducted under
 27 IC 25-2.1-5-8.

28 (b) The following definitions apply throughout this section:

29 (1) "Administering entity" refers to the body established or
 30 sanctioned by the board to conduct a peer review program.

31 (2) "Director" refers to the director of the division of consumer
 32 protection in the office of the attorney general.

33 (3) "Oversight committee" refers to a committee of licensees who
 34 are not board members that is designated by the board to receive
 35 the results of a peer review.

36 (c) The board shall provide the director with the name and contact
 37 information for the administering entity.

38 (d) The oversight committee may forward the results of a peer
 39 review to the director. Receipt of the results may be treated under
 40 IC 25-1-7-4, IC 25-1-7-5, and IC 25-1-7-6 as a complaint submitted by
 41 the board. If, after conducting an investigation, the director believes
 42 that a licensee should be subjected to disciplinary sanctions by the



1 board, the director shall report the director's determination to the
 2 attorney general. Upon receiving the director's report, the attorney
 3 general may prosecute the matter, on behalf of the state of Indiana,
 4 before the board. ~~IC 25-1-7-7(b)~~ **IC 25-1-7-7(d)** does not apply to a
 5 determination related to a complaint filed under this section.

6 (e) The administering entity shall cooperate with an investigation
 7 under IC 25-1-7 of a complaint filed under this section. However, all
 8 complaints and information pertaining to a complaint are confidential
 9 until the attorney general files notice with the board of the attorney
 10 general's intent to prosecute a licensee under IC 25-1-7-7. Any meeting
 11 of the board, the oversight committee, or a designee of the board or
 12 oversight committee that is required in an investigation conducted
 13 before the attorney general files notice of intent to prosecute shall be
 14 conducted as an executive session under IC 5-14-1.5-6.1.

15 SECTION 75. IC 25-17.6-9-1, AS AMENDED BY P.L.99-2005,
 16 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2025]: Sec. 1. If requested, an administrative **review**
 18 **adjudication** of a determination made by the board under
 19 IC 25-17.6-3-7, IC 25-17.6-4, or IC 25-17.6-8-1 ~~shall~~ **must** be
 20 conducted before an administrative law judge appointed by the ~~natural~~
 21 ~~resources commission or the director of the division of hearings~~ under
 22 ~~IC 14-10-2-2~~: **office of administrative law proceedings**.

23 SECTION 76. IC 25-31.5-9-1, AS AMENDED BY P.L.99-2005,
 24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2025]: Sec. 1. If requested, an administrative **review**
 26 **adjudication** of a determination made by the board under
 27 IC 25-31.5-3, IC 25-31.5-4, or IC 25-31.5-8 shall be conducted before
 28 an administrative law judge appointed ~~by the natural resources~~
 29 ~~commission or the director of the division of hearings~~ under
 30 ~~IC 14-10-2-2~~: **IC 4-21.5**.

31 SECTION 77. IC 27-1-15.6-29.5, AS AMENDED BY P.L.27-2007,
 32 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2025]: Sec. 29.5. If the commissioner receives a copy of a
 34 final order from the securities commissioner under IC ~~23-19-6-4(h)~~;
 35 **IC 23-19-6-4(i)**, the commissioner shall:

- 36 (1) determine whether the person who is the subject of the final
 37 order is licensed by the department under this chapter; and
- 38 (2) if the person is licensed under this chapter, institute
 39 proceedings to determine whether the person's license should be
 40 suspended or revoked.

41 The determination under subdivision (2) may be based solely on the
 42 final order by the securities commissioner.



1 SECTION 78. IC 31-27-7-5, AS ADDED BY P.L.173-2022,
 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2025]: Sec. 5. (a) A child services provider may request a
 4 review of the base rates approved by the department if the child
 5 services provider believes that an error or omission was made in the:

- 6 (1) cost report that the child services provider submitted to the
 7 department;
- 8 (2) department's calculation of the base rate; or
- 9 (3) department's determination of the reasonableness of a cost.

10 (b) A request for review under subsection (a) must be:

- 11 (1) submitted in writing to the department; and
- 12 (2) received by the department not more than thirty (30) days after
 13 the date on which the department mailed a rate letter to the child
 14 services provider.

15 Compliance with subdivision (2) is determined in the same manner by
 16 which compliance with the requirements for actions related to
 17 administrative proceedings is determined under IC 4-21.5-3-1 and
 18 IC 4-21.5-3-2.

19 (c) A child services provider making a request for review under
 20 subsection (a) shall submit the request for review in the form and
 21 manner specified by the department, including:

- 22 (1) identification of the current base rate and approved new base
 23 rate, as applicable to a specific program or service offered by the
 24 child services provider;
- 25 (2) an itemized statement of administrative and indirect costs that
 26 the child services provider considers allowable under this chapter;
- 27 (3) a clear, concise statement of the reasons for the requested
 28 change; and
- 29 (4) a detailed statement supporting the requested change.

30 The department shall not accept or process an incomplete request for
 31 review.

32 (d) If a child services provider that submits a request for review
 33 under this chapter has a current license that is subject to current
 34 revocation proceedings, the department shall not act upon the request
 35 for review.

36 (e) Not more than thirty (30) days after the date on which the
 37 department receives a request for review submitted under this chapter,
 38 the department shall conduct a review and:

- 39 (1) provide written notice and an explanation of the department's
 40 decision to the child services provider; and
- 41 (2) publish the notice and explanation of the department's
 42 decision on the department's ~~Internet web site.~~ **website.**



1 (f) The department shall provide to the commission on improving
 2 the status of children the same notice and explanation of the
 3 department's decision provided to the child services provider under
 4 subsection (e), and the commission shall publish the notice on the
 5 commission's ~~Internet web site:~~ **website.**

6 (g) The explanation of the department's decision under subsection
 7 (e) must include a detailed explanation of the following:

8 (1) The specific portion of the disputed cost that is being
 9 approved or denied for reimbursement.

10 (2) Why the disputed cost being denied is unreasonable.

11 (3) The information the department used to make its
 12 determination.

13 **(h) The department is the ultimate authority of the review of a**
 14 **decision under this section.**

15 SECTION 79. IC 31-33-26-13, AS ADDED BY P.L.138-2007,
 16 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2025]: Sec. 13. The department shall adopt rules under
 18 IC 4-22-2:

19 (1) to provide procedures not inconsistent with section 9 of this
 20 chapter by which any person identified as a perpetrator in a
 21 substantiated report of child abuse or neglect that is entered into
 22 the child protection index may request and obtain an
 23 administrative hearing as provided in this chapter; **and**

24 (2) to establish procedures for the conduct of the administrative
 25 hearing. **and**

26 ~~(3) to establish provisions for administrative review by the~~
 27 ~~department of a proposed or approved substantiated report, before~~
 28 ~~or after an administrative hearing is available or conducted.~~

