



CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 148

Citations Affected: IC 2-5-42.4-1; IC 4-3; IC 4-12-1-9; IC 12-11-16-2; IC 22-4-10-8; IC 22-4.1.

Synopsis: Workforce data collection. Requires the division of disability and rehabilitative services (division), beginning 12 months after the direct support professional registry is implemented, to post monthly on the division's website the total number of individuals registered under the registry. Requires the division to present information concerning the total number of individuals registered to the division of disability and rehabilitative services advisory council at least quarterly. Requires reports of newly hired employees to be filed electronically. Requires employers to provide an employee's current primary standardized occupational classification code and starting compensation on a report of a newly hired employee. Provides that each workforce focused agency shall deliver a workforce related program report to the management performance hub. Requires the management performance hub to: (1) compile the workforce related program reports into an annual data product; and (2) make the data product available to each workforce focused agency. Makes conforming amendments. **(This conference committee report provides that a workforce related program does not include an apprenticeship program for which funding is received under the special employment and training services fund.)**

Effective: July 1, 2024.



Adopted	Rejected
---------	----------

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 148 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 2-5-42.4-1, AS ADDED BY P.L.174-2018,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2024]: Sec. 1. As used in this chapter, "workforce related
- 5 program" has the meaning set forth in ~~IC 22-4.1-1-7~~. **IC 22-4.1-1-7(a).**
- 6 SECTION 2. IC 4-3-26-17 IS ADDED TO THE INDIANA CODE
- 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2024]: **Sec. 17. The MPH shall do the following before September**
- 9 **1 each year:**
- 10 **(1) Compile into a data product all reports delivered to the**
- 11 **MPH under IC 22-4.1-24-3 for the twelve (12) month period**
- 12 **ending on the preceding March 31.**
- 13 **(2) Make the data product available to each workforce**
- 14 **focused agency (as defined in IC 22-4.1-1-6.5).**
- 15 SECTION 3. IC 4-3-27-12, AS ADDED BY P.L.152-2018,
- 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2024]: Sec. 12. (a) As used in this section, "workforce related
- 18 program" has the meaning set forth in ~~IC 22-4.1-1-7~~. **IC 22-4.1-1-7(a).**
- 19 (b) The governor, general assembly, and cabinet intend that each
- 20 workforce related program effectuates the purposes for which it was
- 21 enacted and that the cost of workforce related programs should be

1 included more readily in the biennial budgeting process.

2 (c) To provide the information needed to make informed policy
3 choices about the efficacy of each workforce related program, the
4 cabinet shall conduct a regular review, analysis, and evaluation of all
5 workforce related programs.

6 (d) The review, analysis, and evaluation must include information
7 about each workforce related program that is necessary to determine if
8 the goals of the workforce related program are being achieved, which
9 may include any of the following:

10 (1) The basic attributes and policy goals of the workforce related
11 program, including the statutory and programmatic goals of the
12 workforce related program, the original scope and purpose of the
13 workforce related program, and how the scope or purpose has
14 changed over time.

15 (2) The estimated cost to the state to administer the workforce
16 related program.

17 (3) The workforce related program's equity, simplicity,
18 competitiveness, public purpose, adequacy, and extent of
19 conformance with the original purposes of the legislation enacting
20 the workforce related program.

21 (4) The types of activities on which the workforce related
22 program is based and how effective the workforce related
23 program has been in promoting these targeted activities and in
24 assisting participants in the workforce related program.

25 (5) The count of the following:

26 (A) Participants that enter the workforce related program.

27 (B) Participants that complete the workforce related program.

28 (C) Providers of the workforce related program.

29 (6) The dollar amount allotted for the workforce related program
30 for the most recent state fiscal year.

31 (7) An estimate of the impact of the workforce related program,
32 including the following:

33 (A) A return on investment calculation for the workforce
34 related program. For purposes of this clause, "return on
35 investment calculation" means analyzing the cost to the state
36 of providing the workforce related program and analyzing the
37 benefits realized by the participants in the workforce related
38 program and to the state.

39 (B) A cost-benefit comparison among workforce related
40 programs.

41 (C) An estimate of the number of jobs that were the direct
42 result of the workforce related program.

43 (D) For the workforce related program, a statement by the
44 chief executive officer of the state agency that administers the
45 workforce related program as to whether the statutory and
46 programmatic goals of the workforce related program are
47 being met, with obstacles to these goals identified, if possible.

48 (8) The methodology and assumptions used in carrying out the
49 reviews, analyses, and evaluations required under this section.

50 (9) An estimate of the extent to which benefits of the workforce

1 related program remained in Indiana or flowed outside Indiana.
 2 (10) Whether the effectiveness of the workforce related program
 3 could be determined more definitively if the general assembly
 4 were to clarify or modify the workforce related program's goals
 5 and intended purpose.

6 (11) Whether measuring the workforce related program's impact
 7 is significantly limited due to data constraints and whether any
 8 changes in statute would facilitate data collection in a way that
 9 would allow for better review, analysis, or evaluation.

10 (12) An estimate of the indirect economic benefit or activity
 11 stimulated by the workforce related program.

12 (13) Any additional review, analysis, or evaluation that the
 13 cabinet considers advisable, including comparisons with
 14 workforce related programs offered by other states if those
 15 comparisons would add value to the review, analysis, and
 16 evaluation.

17 (e) The cabinet may request a state official or a state agency or a
 18 body corporate and politic to furnish information necessary to complete
 19 the workforce related program review, analysis, and evaluation
 20 required by this chapter. An official or entity presented with a request
 21 from the cabinet under this section shall cooperate with the cabinet in
 22 providing the requested information. An official or entity may require
 23 that the cabinet adhere to the provider's rules, if any, that concern the
 24 confidential nature of the information.

25 (f) The cabinet shall, before October 1 of each year, submit a report
 26 to the governor, the legislative council in an electronic format under
 27 IC 5-14-6, and the interim study committee on fiscal policy established
 28 by IC 2-5-1.3-4 containing the results of the cabinet's review, analysis,
 29 and evaluation under this chapter. The report must include at least the
 30 following for each workforce related program reviewed:

31 (1) An explanation of the workforce related program.

32 (2) The history of the workforce related program.

33 (3) An estimate for each state fiscal year of the next biennial
 34 budget of the cost of the workforce related program.

35 (4) A detailed description of the review, analysis, and evaluation
 36 for the workforce related program.

37 (5) Information to be used by the governor and general assembly
 38 to determine whether the workforce related program should be
 39 continued, modified, or terminated, the basis for the
 40 recommendation, and the expected impact of the
 41 recommendation.

42 (6) Information to be used by the governor and general assembly
 43 to better align the workforce related program with the original
 44 intent of the legislation that enacted the workforce related
 45 program. The report required by this section must not disclose any
 46 proprietary or otherwise confidential information.

47 SECTION 4. IC 4-12-1-9, AS AMENDED BY P.L.201-2023,
 48 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 49 JULY 1, 2024]: Sec. 9. (a) The budget agency shall assist the budget
 50 committee in the preparation of the budget report and the budget bill,

1 using the recommendations and estimates prepared by the budget
2 agency and the information obtained through investigation and
3 presented at hearings. The budget committee shall consider the data,
4 information, recommendations and estimates before it and, to the
5 extent that there is agreement on items, matters, and amounts between
6 the budget agency and a majority of the members of the budget
7 committee, the committee shall organize and assemble a budget report
8 and a budget bill or budget bills. In the event the budget agency and a
9 majority of the members of the budget committee shall differ upon any
10 item, matter, or amount to be included in such report and bills, the
11 recommendation of the budget agency shall be included in the budget
12 bill or bills, and the particular item, matter, or amount, and the extent
13 of and reasons for the differences between the budget agency and the
14 budget committee shall be stated fully in the budget report. The budget
15 committee shall submit the budget report and the budget bill or bills to
16 the governor on or before:

- 17 (1) the second Monday of January in the year immediately
18 following the calendar year in which the budget report and budget
19 bill or bills are prepared, if the budget report and budget bill or
20 bills are prepared in a calendar year other than a calendar year in
21 which a gubernatorial election is held; or
- 22 (2) the third Monday of January, if the budget report and budget
23 bill or bills are prepared in the same calendar year in which a
24 gubernatorial election is held.

25 The governor shall deliver to the house members of the budget
26 committee such bill or bills for introduction into the house of
27 representatives.

28 (b) Whenever during the period beginning thirty (30) days prior to
29 a regular session of the general assembly the budget report and budget
30 bill or bills have been completed and printed and are available for
31 distribution, upon the request of a member of the general assembly an
32 informal distribution of one (1) copy of each such document shall be
33 made by the budget committee to such members. During business
34 hours, and as may be otherwise required during sessions of the general
35 assembly, the budget agency shall make available to the members of
36 the general assembly so much as they shall require of its accumulated
37 staff information, analyses and reports concerning the fiscal affairs of
38 the state and the current budget report and budget bill or bills.

39 (c) The budget report shall include at least the following parts:

- 40 (1) A statement of budget policy, including but not limited to
41 recommendations with reference to the fiscal policy of the state
42 for the coming budget period, and describing the important
43 features of the budget.
- 44 (2) A general budget summary setting forth the aggregate figures
45 of the budget to show the total proposed expenditures and the
46 total anticipated income, and the surplus or deficit.
- 47 (3) The detailed data on actual receipts and expenditures for the
48 previous fiscal year or two (2) fiscal years depending upon the
49 length of the budget period for which the budget bill or bills is
50 proposed, the estimated receipts and expenditures for the current

- 1 year, and for the ensuing budget period, and the anticipated
 2 balances at the end of the current fiscal year and the ensuing
 3 budget period. Such data shall be supplemented with necessary
 4 explanatory schedules and statements, including a statement of
 5 any differences between the recommendations of the budget
 6 agency and of the budget committee.
- 7 (4) A description of the capital improvement program for the state
 8 and an explanation of its relation to the budget.
- 9 (5) The budget bills.
- 10 (6) The tax expenditure report prepared by the legislative services
 11 agency under IC 2-5-3.2-2.
- 12 (7) For each appropriation in the governor's recommended budget
 13 bill that is made to a state provider, as defined in IC 22-4.1-1-5.5,
 14 for a workforce related program, as defined in ~~IC 22-4.1-1-7~~,
 15 **IC 22-4.1-1-7(a)**, a summary and justification for the workforce
 16 related program.
- 17 (d) The budget report shall cover and include all special and
 18 dedicated revenue funds as well as the general revenue fund and shall
 19 include the estimated amounts of federal aids, for whatever purpose
 20 provided, together with estimated expenditures therefrom.
- 21 (e) The budget agency shall furnish the governor with any further
 22 information required concerning the budget, and upon request shall
 23 attend hearings of committees of the general assembly on the budget
 24 bills.
- 25 SECTION 5. IC 12-11-16-2, AS ADDED BY P.L.228-2023,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2024]: Sec. 2. (a) The division shall establish and maintain a
 28 direct support professional registry to be made available to authorized
 29 division personnel and authorized service providers. The registry must:
- 30 (1) include a list of direct support professionals who have
 31 registered with the division in the manner required by the
 32 division; and
- 33 (2) contain any substantiated incidents for abuse, neglect, and
 34 exploitation that meet the criteria established according to
 35 subsection (d), as determined by the division for a direct support
 36 professional included on the registry.
- 37 (b) The division shall establish the following:
- 38 (1) An application to be used for an individual to register for the
 39 registry and renew the registration for the registry.
- 40 (2) An appeals process as provided in IC 4-21.5 concerning an
 41 incident involving a direct support professional in which the
 42 division has determined the incident meets the criteria established
 43 according to subsection (d).
- 44 (c) Beginning January 1, 2026, and thereafter, an individual may not
 45 provide direct support services as a direct support professional in
 46 Indiana unless the individual is registered by the division for the
 47 registry under this chapter.
- 48 (d) The division shall adopt rules under IC 4-22-2 necessary to
 49 implement the registry, including the establishment of definitions and
 50 levels for substantiated abuse, neglect, and exploitation, the highest of

1 which is the minimum the division must report to the registry.

2 (e) The division shall report to the registry a substantiated incident
3 that meets the criteria established according to subsection (d).

4 (f) An employee of the division who reports a substantiated incident
5 that meets the criteria established according to subsection (d) to the
6 registry in good faith is not subject to liability in:

- 7 (1) a civil;
- 8 (2) an administrative;
- 9 (3) a disciplinary; or
- 10 (4) a criminal;

11 action that might otherwise be imposed for reporting the information.

12 **(g) Beginning twelve (12) months after the registry is**
13 **implemented, the division shall post monthly on the division's**
14 **website the total number of individuals registered under the**
15 **registry.**

16 **(h) The division shall present the information required to be**
17 **posted under subsection (g) to the division of disability and**
18 **rehabilitative services advisory council at least quarterly.**

19 SECTION 6. IC 22-4-10-8, AS AMENDED BY P.L.183-2017,
20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2024]: Sec. 8. (a) This section applies only to an employer
22 who employs individuals within the state.

23 (b) As used in this section, "date of hire" is: **"newly hired**
24 **employee" means an employee who:**

- 25 (1) the first date that an employee provides labor or services to an
26 employer; or
- 27 (2) the first date that an employee resumes providing labor or
28 services to an employer after a separation from service with the
29 employer of at least sixty (60) days:

- 30 (1) **has not previously been employed by the employer; or**
- 31 (2) **was previously employed by the employer but has been**
32 **separated from such prior employment for at least sixty (60)**
33 **consecutive days.**

34 (c) As used in this section, "employee":

- 35 (1) has the meaning set forth in Section 3401(c) of the Internal
36 Revenue Code; and
- 37 (2) includes any individual:
 - 38 (A) required under Internal Revenue Service regulations to
39 complete a federal form W-4; and
 - 40 (B) who has provided services to an employer.

41 The term does not include an employee of a federal or state agency who
42 performs intelligence or counter intelligence functions if the head of
43 the agency determines that the reporting information required under
44 this section could endanger the safety of the employee or compromise
45 an ongoing investigation or intelligence mission.

- 46 (2) **does not include an employee of a federal or state agency**
47 **who performs intelligence or counter intelligence functions if**
48 **the head of the agency determines that the reporting**
49 **information required under this section could endanger the**
50 **safety of the employee or compromise an ongoing**
51 **investigation or intelligence mission.**

1 (d) As used in this section, "employer" has the meaning set forth in
2 Section 3401(d) of the Internal Revenue Code. The term includes:

- 3 (1) governmental agencies;
4 (2) labor organizations; or
5 (3) a person doing business in the state as identified by:
6 (A) the person's federal employer identification number; or
7 (B) if applicable, the common paymaster, as defined in Section
8 3121 of the Internal Revenue Code or the payroll reporting
9 agent of the employer, as described in IRS Rev. Proc. 70-6,
10 1970-1 C.B. 420.

11 ~~(e) As used in this section, "Internal Revenue Code" has the~~
12 ~~meaning set forth in IC 6-3-1-11.~~

13 ~~(f) (e) As used in this section, "labor organization" has the meaning~~
14 ~~set forth in 42 U.S.C. 653a(a)(2)(B)(ii).~~

15 ~~(g) As used in this section, "newly hired employee" means an~~
16 ~~employee who:~~

- 17 ~~(1) has not previously been employed by an employer; or~~
18 ~~(2) resumes service with an employer after a separation from~~
19 ~~service of at least sixty (60) days.~~

20 ~~(h) (f) The department shall maintain a directory of new hires as~~
21 ~~required under 42 U.S.C. 653a.~~

22 ~~(i) (g) The directory under subsection (h) (f) must contain the~~
23 ~~information for each newly hired employee that an employer must~~
24 ~~provide to the department under subsection (h) (i).~~

25 ~~(j) (h) An employer must transmit the information required under~~
26 ~~subsection (h) (i)~~

27 ~~(1) within twenty (20) business days of the employee's date of~~
28 ~~hire. or~~

29 ~~(2) if the information is transmitted magnetically or electronically;~~
30 ~~in two (2) monthly transactions that are:~~

- 31 ~~(A) not less than twelve (12) days apart; and~~
32 ~~(B) not more than sixteen (16) days apart.~~

33 ~~(k) A report containing the information required under subsection~~
34 ~~(h) is considered timely:~~

35 ~~(1) if it is postmarked on or before the due date, whenever the~~
36 ~~report is mailed; or~~

37 ~~(2) if it is received on or before the due date, whenever the report~~
38 ~~is transmitted by:~~

- 39 ~~(A) facsimile machine; or~~
40 ~~(B) electronic or magnetic media.~~

41 ~~(i) The employer shall provide the following information~~
42 ~~required under this section on an employee's withholding allowance~~
43 ~~certificate (Internal Revenue Service form W-4) or, at the employer's~~
44 ~~option, an equivalent form. The report must include at least the~~
45 ~~following: for a newly hired employee to the department~~
46 ~~electronically, in a manner prescribed by the department:~~

- 47 (1) The name, address, and Social Security number of the
48 employee.
49 (2) The name, address, and federal tax identification number of
50 the employer.

1 (3) The date of hire of the employee. services for remuneration
2 were first performed by the employee.

3 (4) The current primary standardized occupational
4 classification code of the employee.

5 (5) The starting compensation of the employee.

6 (m) (j) An employer that has employees in two (2) or more states
7 and that transmits reports under this section electronically or
8 magnetically may comply with this section by doing the following:

9 (1) Designating one (1) state to receive each report.

10 (2) Notifying the Secretary of the United States Department of
11 Health and Human Services which state will receive the reports.

12 (3) Transmitting the reports to the agency in the designated state
13 that is charged with receiving the reports.

14 (n) (k) The department may impose the following as a civil penalty:

15 (1) Twenty-five dollars (\$25) on an employer that fails to comply
16 with this section.

17 (2) Five hundred dollars (\$500) on an employer that fails to
18 comply with this section if the failure is a result of a conspiracy
19 between the employer and the employee to:

20 (A) not provide the required report; or

21 (B) provide a false or an incomplete report.

22 (o) The department shall do the following with information received
23 from an employer regarding newly hired employees:

24 (1) Enter the information into the state's directory of new hires
25 within five (5) business days of receipt.

26 (2) Forward the information to the national directory of new hires
27 not later than three (3) business days after the information is
28 entered into the state's directory.

29 The state shall use quality control standards established by the
30 administrators of the national directory of new hires.

31 (p) (l) The information contained in the directory maintained under
32 subsection (h) (f) is available only for use by the department for
33 purposes required by 42 U.S.C. 653a; unless otherwise provided by
34 law: for use by the department in a manner consistent with state
35 and federal law.

36 (q) (m) The department of child services (established under
37 IC 31-25-1-1) shall:

38 (1) reimburse the department for a pro rata share of the costs
39 incurred in carrying out this section using a cost allocation
40 method described in 45 CFR 75.405; and

41 (2) enter into a purchase of service agreement with the
42 department that establishes procedures necessary to administer
43 this section.

44 SECTION 7. IC 22-4.1-1-6.5 IS ADDED TO THE INDIANA
45 CODE AS A NEW SECTION TO READ AS FOLLOWS
46 [EFFECTIVE JULY 1, 2024]: **Sec. 6.5. "Workforce focused agency"**
47 **means the following:**

48 (1) **The department.**

49 (2) **The department of education established by IC 20-19-3-1.**

50 (3) **The commission for higher education established by**

- 1 **IC 21-18-2-1.**
 2 **(4) The governor's workforce cabinet established by**
 3 **IC 4-3-27-3.**
 4 **(5) The office of the secretary of family and social services**
 5 **established by IC 12-8-1.5-1.**

6 SECTION 8. IC 22-4.1-1-7, AS ADDED BY P.L.230-2017,
 7 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 7. **(a) Except as provided in subsection (b),**
 9 "workforce related program" means a program operated, delivered, or
 10 enabled, in whole or in part, by a state provider using public funds to
 11 offer incentives, funding, support, or guidance for any of the following
 12 purposes:

- 13 (1) Job training.
 14 (2) The attainment of an industry recognized certification or
 15 credential.
 16 (3) The attainment of a postsecondary degree, certificate, or
 17 credential.
 18 (4) The provision of other types of employment assistance.
 19 (5) The promotion of Indiana to workers or the provision of
 20 assistance to a worker relocating to Indiana for employment.
 21 (6) Any other program that:
 22 (A) has, at least in part, the goal of securing employment or
 23 better employment for an individual; and
 24 (B) receives funding through WIOA or a state appropriation.

25 **(b) For purposes of IC 22-4.1-24-3, "workforce related**
 26 **program" means a program offering incentives, funding, support,**
 27 **or guidance for any of the following purposes:**

- 28 **(1) Job training.**
 29 **(2) The attainment of an industry recognized certification or**
 30 **credential.**
 31 **(3) The attainment of a postsecondary degree, certificate, or**
 32 **credential.**
 33 **(4) The provision of other types of employment assistance.**
 34 **(5) The promotion of Indiana to workers or the provision of**
 35 **assistance to a worker relocating to Indiana for employment.**
 36 **(6) Any other program that has, at least in part, the goal of**
 37 **securing employment or better employment for an individual.**

38 **The term does not include an apprenticeship program for which**
 39 **funding is received under IC 22-4-25-1(c).**

40 SECTION 9. IC 22-4.1-24-1, AS ADDED BY P.L.230-2017,
 41 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2024]: Sec. 1. **(a) Except as provided in subsection (b),** as
 43 used in this chapter, "program" refers to a workforce related program
 44 (as defined in ~~IC 22-4.1-1-7~~; **IC 22-4.1-1-7(a)**).

45 **(b) As used in section 3 of this chapter, "program" refers to a**
 46 **workforce related program (as defined in IC 22-4.1-1-7(b)).**

47 SECTION 10. IC 22-4.1-24-3 IS ADDED TO THE INDIANA
 48 CODE AS A NEW SECTION TO READ AS FOLLOWS
 49 [EFFECTIVE JULY 1, 2024]: Sec. 3. **(a) As used in this section,**
 50 **"management performance hub" refers to the management**
 51 **performance hub established by IC 4-3-26-8.**

1 **(b) Not later than July 1, 2025, and before July 1 of each year**
2 **thereafter, each workforce focused agency shall deliver to the**
3 **management performance hub a workforce related program**
4 **report.**

5 **(c) Before June 30, 2025, each workforce focused agency shall**
6 **do the following:**

7 **(1) Establish a workforce related program data governance**
8 **team of subject matter experts.**

9 **(2) Develop a common set of data elements to be used to**
10 **evaluate the workforce related program.**

11 **(3) To the extent reasonably possible, include in a contract**
12 **entered into or renewed after June 30, 2024, between a**
13 **workforce focused agency and a person conducting,**
14 **operating, or administering a workforce related program a**
15 **provision that requires the person to provide the workforce**
16 **focused agency with the common set of data elements**
17 **developed under subdivision (2).**

(Reference is to ESB 148 as reprinted February 29, 2024.)

Conference Committee Report
on
Engrossed Senate Bill 148

Signed by:

Senator Brown L
Chairperson

Representative Carbaugh

Senator Rogers

Representative Bartlett

Senate Conferees

House Conferees