



January 31, 2017

HOUSE BILL No. 1154

DIGEST OF HB 1154 (Updated January 31, 2017 10:17 am - DI 113)

Citations Affected: IC 22-4.

Synopsis: Unemployment insurance. Requires the department of workforce development to give its annual presentation regarding the status of the unemployment compensation system to the interim study committee on employment and labor (instead of the budget committee, as provided in current law). Modifies the law governing the department of workforce development's recordkeeping, release of records, and confidentiality duties and obligations. Changes the manner in which notice of a claimant's registration, failure to register, renewal, or continuation of the claimant's claim for unemployment benefits may be provided to an employer. Requires that the training grants paid from the special employment and training services fund (fund) be paid each state fiscal year before expenditures from the fund are made for any other purpose. Eliminates the \$5,000,000 maximum on expenditures from the fund by the department of workforce development in a state fiscal year.

Effective: July 1, 2017.

Leonard, Ober, Moseley

January 9, 2017, read first time and referred to Committee on Employment, Labor and Pensions.
January 31, 2017, amended, reported — Do Pass.

HB 1154—LS 7214/DI 130



January 31, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1154

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

- 1 SECTION 1. IC 22-4-18-1, AS AMENDED BY P.L.171-2016,
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1. (a) There is created a department under
4 IC 22-4.1-2-1 which shall be known as the department of workforce
5 development.
6 (b) The department of workforce development may **do the**
7 **following:**
8 (1) Administer the unemployment insurance program.
9 (2) Enter into agreements with the United States government that
10 may be required as a condition of obtaining federal funds related
11 to activities of the department under this article.
12 (3) Enter into contracts or agreements and cooperate with local
13 governmental units or corporations, including profit or nonprofit
14 corporations, or combinations of units and corporations to carry
15 out the duties of the department imposed by this article, including
16 contracts for the delegation of the department's administrative,
17 monitoring, and program responsibilities and duties set forth in

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- 1 this article.
- 2 (c) The payment of unemployment insurance benefits must be made
3 in accordance with 26 U.S.C. 3304.
- 4 (d) The department of workforce development may do all acts and
5 things necessary or proper to carry out the powers expressly granted
6 under this article, including the adoption of rules under IC 4-22-2.
- 7 (e) The department of workforce development may not charge any
8 claimant for benefits for providing services under this article, except as
9 provided in IC 22-4-17-12.
- 10 (f) The department of workforce development shall do the
11 following:
- 12 (1) Submit a report to the general assembly in an electronic
13 format under IC 5-14-6 and to the governor before December 1 of
14 each year concerning the status of the unemployment
15 compensation system, including the following:
- 16 (A) Recommendations for maintaining the solvency of the
17 unemployment insurance benefit fund established under
18 IC 22-4-26-1.
- 19 (B) Information regarding expenditures from the special
20 employment and training services fund.
- 21 (C) Information regarding money released under
22 IC 22-4-25-1(c).
- 23 (2) Make a presentation **before November 1 of each year** to the
24 **budget committee at each meeting of the budget committee held**
25 **before November 1, 2016; interim study committee on**
26 **employment and labor (established under IC 2-5-1.3-4)**
27 concerning the status of the unemployment compensation system,
28 including the following:
- 29 (A) Recommendations for maintaining the solvency of the
30 unemployment insurance benefit fund established under
31 IC 22-4-26-1.
- 32 (B) Information regarding expenditures from the special
33 employment and training services fund.
- 34 (C) Information regarding money released under
35 IC 22-4-25-1(c).
- 36 (D) Any other information requested by the ~~budget committee;~~
37 **interim study committee on employment and labor.**
- 38 (g) In addition to the duties prescribed in subsections (a) through (f),
39 the department of workforce development shall establish, implement,
40 and maintain a training program in the nature and dynamics of
41 domestic and family violence for training of all employees of the
42 department who interact with a claimant for benefits to determine



1 whether the claim of the individual for unemployment benefits is valid
 2 and to determine that employment separations stemming from domestic
 3 or family violence are reliably screened, identified, and adjudicated and
 4 that victims of domestic or family violence are able to take advantage
 5 of the full range of job services provided by the department. The
 6 training presenters shall include domestic violence experts with
 7 expertise in the delivery of direct services to victims of domestic
 8 violence, including using the staff of shelters for battered women in the
 9 presentation of the training. The initial training shall consist of
 10 instruction of not less than six (6) hours. Refresher training shall be
 11 required annually and shall consist of instruction of not less than three
 12 (3) hours.

13 SECTION 2. IC 22-4-19-6, AS AMENDED BY P.L.110-2010,
 14 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2017]: Sec. 6. (a) Each employing unit shall keep true and
 16 accurate records containing information the department considers
 17 necessary. These records are:

- 18 (1) open to inspection; and
- 19 (2) subject to being copied;

20 by an authorized representative of the department at any reasonable
 21 time and as often as may be necessary. The department, the review
 22 board, or an administrative law judge may require from any employing
 23 unit any verified or unverified report, with respect to persons employed
 24 by it, which is considered necessary for the effective administration of
 25 this article.

26 (b) Except as provided in subsections (d) and (f), information
 27 obtained or obtained from any person in the administration of this
 28 article and the records of the department relating to the unemployment
 29 tax or the payment of benefits is confidential and may not be published
 30 or be open to public inspection in any manner revealing the individual's
 31 or the employing unit's identity, except in obedience to an order of a
 32 court or as provided in this section.

33 (c) A claimant or an employer at a hearing before an administrative
 34 law judge or the review board shall be supplied with information from
 35 the records referred to in this section to the extent necessary for the
 36 proper presentation of the subject matter of the appearance. ~~The~~
 37 ~~department may make the information necessary for a proper~~
 38 ~~presentation of a subject matter before an administrative law judge or~~
 39 ~~the review board available to an agency of the United States or an~~
 40 ~~Indiana state agency.~~

41 (d) The department may release the following information:

- 42 (1) Summary statistical data may be released to the public.



1 (2) Employer specific information known as **ES 202 Quarterly**
 2 **Census of Employment and Wages** data and data resulting from
 3 enhancements made through the business establishment list
 4 improvement project may be released to the Indiana economic
 5 development corporation only for the following purposes:

6 (A) The purpose of conducting a survey.

7 (B) The purpose of aiding the officers or employees of the
 8 Indiana economic development corporation in providing
 9 economic development assistance through program
 10 development, research, or other methods.

11 (C) Other purposes consistent with the goals of the Indiana
 12 economic development corporation and not inconsistent with
 13 those of the department, including the purposes of IC 5-28-6-7.

14 (3) Employer specific information known as **ES 202 Quarterly**
 15 **Census of Employment and Wages** data and data resulting from
 16 enhancements made through the business establishment list
 17 improvement project may be released to:

18 (A) the budget agency; ~~and~~

19 (B) the legislative services agency only for aiding the
 20 employees of the budget agency or the legislative services
 21 agency in forecasting tax revenues; **and**

22 (C) **the Indiana department of labor for the purpose of**
 23 **conducting a survey and reporting to the United States**
 24 **Department of Labor or the federal Bureau of Labor**
 25 **Statistics.**

26 (4) Information obtained from any person in the administration of
 27 this article and the records of the department relating to the
 28 unemployment tax or the payment of benefits for use by the
 29 following governmental entities:

30 (A) ~~department of state revenue; an agency of the United~~
 31 ~~States; or~~

32 (B) ~~state or local law enforcement agencies; an agency of the~~
 33 ~~state; or~~

34 (C) **a public official for use in the performance of the**
 35 **public official's duties;**

36 only if there is an agreement that the information will be kept
 37 confidential and used for legitimate governmental purposes.

38 (e) The department may make information available under
 39 subsection ~~(d)(1)~~, ~~(d)(2)~~, ~~or (d)(3)~~ **(d)** only:

40 (1) if:

41 (A) data provided in summary form cannot be used to identify
 42 information relating to a specific employer or specific



- 1 employee; or
- 2 (B) there is an agreement that the employer specific
- 3 information released to the ~~Indiana economic development~~
- 4 ~~corporation; the budget agency; or the legislative services~~
- 5 ~~agency~~ will be treated as confidential and will be released only
- 6 in summary form that cannot be used to identify information
- 7 relating to a specific employer or a specific employee; and
- 8 (2) after the cost of making the information available to the
- 9 person requesting the information is paid under IC 5-14-3.
- 10 (f) In addition to the confidentiality provisions of subsection (b), the
- 11 fact that a claim has been made under IC 22-4-15-1(c)(8) and any
- 12 information furnished by the claimant or an agent to the department to
- 13 verify a claim of domestic or family violence are confidential.
- 14 Information concerning the claimant's current address or physical
- 15 location shall not be disclosed to the employer or any other person.
- 16 Disclosure is subject to the following additional restrictions:
- 17 (1) The claimant must be notified before any release of
- 18 information.
- 19 (2) Any disclosure is subject to redaction of unnecessary
- 20 identifying information, including the claimant's address.
- 21 (g) An employee:
- 22 (1) of the department who recklessly violates subsection (a), (c),
- 23 (d), (e), or (f); or
- 24 (2) of any governmental entity listed in subsection (d)(4) who
- 25 recklessly violates subsection (d)(4);
- 26 commits a Class B misdemeanor.
- 27 (h) An employee of the Indiana economic development corporation,
- 28 the budget agency, or the legislative services agency who violates
- 29 subsection (d) or (e) commits a Class B misdemeanor.
- 30 (i) An employer or agent of an employer that becomes aware that a
- 31 claim has been made under IC 22-4-15-1(c)(8) shall maintain that
- 32 information as confidential.
- 33 (j) The department may charge a reasonable processing fee not to
- 34 exceed two dollars (\$2) for each record that provides information about
- 35 an individual's last known employer released in compliance with a
- 36 court order under subsection (b).
- 37 SECTION 3. IC 22-4-19-13 IS AMENDED TO READ AS
- 38 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13. (a) Where an
- 39 employer makes an offer of employment directly to a claimant,
- 40 promptly giving written notice to the department of such offer, or when
- 41 any such employer makes such offer of employment in writing through
- 42 the department, the commissioner, the deputy, or an authorized



1 representative of the state or the United States employment service,
 2 which offer shall specify such claimant by name, and when such
 3 claimant thereafter fails to register subsequent to the receipt of such
 4 offer of employment by the department, the commissioner, the deputy,
 5 or an authorized representative of the state or the United States
 6 employment service, then a notice in writing shall promptly be mailed
 7 to such employer of such claimant's said failure to return and to
 8 register. If such claimant thereafter, in the claimant's benefit period,
 9 again registers or renews and continues the claimant's claim for
 10 benefits, such employer shall promptly be ~~mailed~~ **provided with** notice
 11 of such fact in order that the employer may have an opportunity to
 12 renew and remake an offer of employment to such claimant.

13 (b) Upon the filing by an individual of an additional claim for
 14 benefits, a notice ~~in writing or a carbon copy of such additional claim~~
 15 shall be ~~mailed~~ promptly **provided to the base period employer or**
 16 **employers and to the employing unit including** an employer from
 17 whose employ the individual claims to have been last separated.

18 (c) Upon the filing by an individual of an initial claim for benefits,
 19 a notice ~~in writing or a carbon copy of such initial claim~~ shall be
 20 ~~mailed~~ promptly **provided to the base period employer or base**
 21 **period employers and to the** employing ~~unit~~ **units** including an
 22 employer from whose employ the individual claims to have been last
 23 separated. The computation of the benefit rights of such individual
 24 shall be made as promptly as possible and, if such claim is deemed
 25 valid, then a notice of benefit liability shall be ~~mailed~~ **provided** to each
 26 employer whose experience account is potentially chargeable with
 27 benefits to be paid to such individual. Such notice shall contain the
 28 date, the name and social security number of the individual, the ending
 29 date of the individual's base period, and the week ending date of the
 30 first week of the individual's benefit year. Such notice shall further
 31 contain information as to the proportion of benefits chargeable to the
 32 employer's experience account in ratio to the earnings of such
 33 individual from such employer and shall advise such employer of the
 34 employer's right to protest such claim and the payment of any benefits
 35 thereon and of the place and time within which protest must be made
 36 and the form and contents thereof.

37 (d) Whenever a determination is made with respect to the validity
 38 of any claim for benefits, or the eligibility of any claimant for benefits,
 39 which involves the cancellation of wage credits or benefit rights, the
 40 imposition of any disqualification, period of ineligibility or penalty, or
 41 the denial thereof, a notice ~~in writing~~ shall promptly be ~~mailed~~
 42 **provided** to such claimant and to each employer directly involved or



1 connected with the issue raised as to the validity of such claim, the
 2 eligibility of such claimant for benefits, or the imposition of a
 3 disqualification period of ineligibility or penalty, or the denial thereof.
 4 Such employer or such claimant may protest any such determination
 5 within such time limits and in such manner as provided in IC 22-4-17-2
 6 and upon said protest shall be entitled to a hearing as provided in
 7 IC 22-4-17-2 and IC 22-4-17-3.

8 (e) Every employer shall be ~~mailed~~ **provided with** a monthly report
 9 of benefit charges which shall contain an itemized statement showing
 10 the names of individuals to whom benefits were paid and charged to
 11 the experience account of such employer, the weeks with respect to
 12 which each such individual received benefits, the amount thereof, and
 13 the total amount of benefits charged to such employer's said account
 14 during the period covered by such report.

15 (f) Following the computation of rates of contribution for employers
 16 for each calendar year, each employer shall be ~~mailed~~ **provided with**
 17 **notice** not later than ninety (90) days after the effective date of such
 18 rates, ~~a notice in writing~~ setting out the employer's rate of contribution
 19 for such year, computed by the department as of the preceding June 30,
 20 together with sufficient information for such employer to determine
 21 and compute the amount of a voluntary payment required from such
 22 employer in order to qualify for and obtain a lower rate of contribution
 23 for such year and also advising such employer of the length of time
 24 within which or last date upon which said voluntary payment will be
 25 received or can be made.

26 SECTION 4. IC 22-4-25-1, AS AMENDED BY P.L.171-2016,
 27 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2017]: Sec. 1. (a) There is created in the state treasury a
 29 special fund to be known as the special employment and training
 30 services fund. All interest on delinquent contributions and penalties
 31 collected under this article, together with any voluntary contributions
 32 tendered as a contribution to this fund, shall be paid into this fund. The
 33 money shall not be expended or available for expenditure in any
 34 manner which would permit their substitution for (or a corresponding
 35 reduction in) federal funds which would in the absence of said money
 36 be available to finance expenditures for the administration of this
 37 article, but nothing in this section shall prevent said money from being
 38 used as a revolving fund to cover expenditures necessary and proper
 39 under the law for which federal funds have been duly requested but not
 40 yet received, subject to the charging of such expenditures against such
 41 funds when received. The money in this fund shall be used by the
 42 department for the payment of refunds of interest on delinquent



1 contributions and penalties so collected, for the payment of costs of
2 administration which are found not to have been properly and validly
3 chargeable against federal grants or other funds received for or in the
4 employment and training services administration fund, on and after
5 July 1, 1945. Such money shall be available either to satisfy the
6 obligations incurred by the department directly, or by transfer by the
7 department of the required amount from the special employment and
8 training services fund to the employment and training services
9 administration fund. The department shall order the transfer of such
10 funds or the payment of any such obligation or expenditure and such
11 funds shall be paid by the treasurer of state on requisition drawn by the
12 department directing the auditor of state to issue the auditor's warrant
13 therefor. Any such warrant shall be drawn by the state auditor based
14 upon vouchers certified by the commissioner. The money in this fund
15 is hereby specifically made available to replace within a reasonable
16 time any money received by this state pursuant to 42 U.S.C. 502, as
17 amended, which, because of any action or contingency, has been lost
18 or has been expended for purposes other than or in amounts in excess
19 of those approved by the bureau of employment security. The money
20 in this fund shall be continuously available to the department for
21 expenditures in accordance with the provisions of this section and for
22 the prevention, detection, and recovery of delinquent contributions,
23 penalties, and improper benefit payments, and shall not lapse at any
24 time or be transferred to any other fund, except as provided in this
25 article. ~~After making the grants required under subsection (c), the~~
26 ~~department may expend an amount not to exceed five million dollars~~
27 ~~(\$5,000,000) in a state fiscal year for the purposes described in this~~
28 ~~subsection; unless an additional amount is approved by the budget~~
29 ~~committee.~~ Nothing in this section shall be construed to limit, alter, or
30 amend the liability of the state assumed and created by IC 22-4-28, or
31 to change the procedure prescribed in IC 22-4-28 for the satisfaction of
32 such liability, except to the extent that such liability may be satisfied by
33 and out of the funds of such special employment and training services
34 fund created by this section. **Each state fiscal year, the commissioner**
35 **shall make the training grants required under subsection (c) before**
36 **amounts are expended from the fund in accordance with this**
37 **section for any other purpose.**

38 (b) Whenever the balance in the special employment and training
39 services fund exceeds eight million five hundred thousand dollars
40 (\$8,500,000), the department shall order payment of the amount that
41 exceeds eight million five hundred thousand dollars (\$8,500,000) into
42 the unemployment insurance benefit fund.



1 (c) Subject to the availability of funds, on July 1 each year the
 2 commissioner shall release **the following amounts before**
 3 **expenditures are made in accordance with this section for any**
 4 **other purpose:**

5 (1) One million dollars (\$1,000,000) to the state educational
 6 institution established under IC 21-25-2-1 for training provided
 7 to participants in apprenticeship programs approved by the United
 8 States Department of Labor, Bureau of Apprenticeship and
 9 Training.

10 (2) Four million dollars (\$4,000,000) to the state educational
 11 institution instituted and incorporated under IC 21-22-2-1 for
 12 training provided to participants in joint labor and management
 13 apprenticeship programs approved by the United States
 14 Department of Labor, Bureau of Apprenticeship and Training.

15 (3) Two hundred fifty thousand dollars (\$250,000) for
 16 journeyman upgrade training to each of the state educational
 17 institutions described in subdivisions (1) and (2).

18 (4) Four hundred thousand dollars (\$400,000) annually for
 19 training and counseling assistance:

20 (A) provided by Hometown Plans under 41 CFR 60-4.5; and

21 (B) approved by the United States Department of Labor,
 22 Bureau of Apprenticeship and Training;

23 to individuals who have been unemployed for at least four (4)
 24 weeks or whose annual income is less than twenty thousand
 25 dollars (\$20,000). ~~and~~

26 (5) Three hundred thousand dollars (\$300,000) annually for
 27 training and counseling assistance provided by the state
 28 institution established under IC 21-25-2-1 to individuals who
 29 have been unemployed for at least four (4) weeks or whose annual
 30 income is less than twenty thousand dollars (\$20,000) for the
 31 purpose of enabling those individuals to apply for admission to
 32 apprenticeship programs offered by providers approved by the
 33 United States Department of Labor, Bureau of Apprenticeship and
 34 Training.

35 (d) Each state educational institution described in subsection (c) is
 36 entitled to keep ten percent (10%) of the funds released under
 37 subsection (c) for the payment of costs of administering the funds. On
 38 each June 30 following the release of the funds, any funds released
 39 under subsection (c) not used by the state educational institutions under
 40 subsection (c) shall be returned to the special employment and training
 41 services fund.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1154, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, after line 36, begin a new paragraph and insert:

"SECTION 3. IC 22-4-19-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13. (a) Where an employer makes an offer of employment directly to a claimant, promptly giving written notice to the department of such offer, or when any such employer makes such offer of employment in writing through the department, the commissioner, the deputy, or an authorized representative of the state or the United States employment service, which offer shall specify such claimant by name, and when such claimant thereafter fails to register subsequent to the receipt of such offer of employment by the department, the commissioner, the deputy, or an authorized representative of the state or the United States employment service, then a notice in writing shall promptly be mailed to such employer of such claimant's said failure to return and to register. If such claimant thereafter, in the claimant's benefit period, again registers or renews and continues the claimant's claim for benefits, such employer shall promptly be ~~mailed~~ **provided with** notice of such fact in order that the employer may have an opportunity to renew and remake an offer of employment to such claimant.

(b) Upon the filing by an individual of an additional claim for benefits, a notice ~~in writing or a carbon copy of such additional claim~~ shall be ~~mailed~~ promptly **provided to the base period employer or employers and to the employing unit including** an employer from whose employ the individual claims to have been last separated.

(c) Upon the filing by an individual of an initial claim for benefits, a notice ~~in writing or a carbon copy of such initial claim~~ shall be ~~mailed~~ promptly **provided to the base period employer or base period employers and to the employing unit units** including an employer from whose employ the individual claims to have been last separated. The computation of the benefit rights of such individual shall be made as promptly as possible and, if such claim is deemed valid, then a notice of benefit liability shall be ~~mailed~~ **provided** to each employer whose experience account is potentially chargeable with benefits to be paid to such individual. Such notice shall contain the date, the name and social security number of the individual, the ending date of the individual's base period, and the week ending date of the



first week of the individual's benefit year. Such notice shall further contain information as to the proportion of benefits chargeable to the employer's experience account in ratio to the earnings of such individual from such employer and shall advise such employer of the employer's right to protest such claim and the payment of any benefits thereon and of the place and time within which protest must be made and the form and contents thereof.

(d) Whenever a determination is made with respect to the validity of any claim for benefits, or the eligibility of any claimant for benefits, which involves the cancellation of wage credits or benefit rights, the imposition of any disqualification, period of ineligibility or penalty, or the denial thereof, a notice ~~in writing~~ shall promptly be ~~mailed~~ **provided** to such claimant and to each employer directly involved or connected with the issue raised as to the validity of such claim, the eligibility of such claimant for benefits, or the imposition of a disqualification period of ineligibility or penalty, or the denial thereof. Such employer or such claimant may protest any such determination within such time limits and in such manner as provided in IC 22-4-17-2 and upon said protest shall be entitled to a hearing as provided in IC 22-4-17-2 and IC 22-4-17-3.

(e) Every employer shall be ~~mailed~~ **provided with** a monthly report of benefit charges which shall contain an itemized statement showing the names of individuals to whom benefits were paid and charged to the experience account of such employer, the weeks with respect to which each such individual received benefits, the amount thereof, and the total amount of benefits charged to such employer's said account during the period covered by such report.

(f) Following the computation of rates of contribution for employers for each calendar year, each employer shall be ~~mailed~~ **provided with notice** not later than ninety (90) days after the effective date of such rates, ~~a notice in writing~~ setting out the employer's rate of contribution for such year, computed by the department as of the preceding June 30, together with sufficient information for such employer to determine and compute the amount of a voluntary payment required from such employer in order to qualify for and obtain a lower rate of contribution for such year and also advising such employer of the length of time within which or last date upon which said voluntary payment will be received or can be made.

SECTION 4. IC 22-4-25-1, AS AMENDED BY P.L.171-2016, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training



services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the department for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the department directly, or by transfer by the department of the required amount from the special employment and training services fund to the employment and training services administration fund. The department shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the department directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the department for expenditures in accordance with the provisions of this section and for the prevention, detection, and recovery of delinquent contributions, penalties, and improper benefit payments, and shall not lapse at any time or be transferred to any other fund, except as provided in this article. After making the grants required under subsection (c), the department may expend an amount not to exceed five million dollars (\$5,000,000) in a state fiscal year for the purposes described in this subsection, unless an additional amount is approved by the budget committee. Nothing in this section shall be construed to limit, alter, or



amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section. **Each state fiscal year, the commissioner shall make the training grants required under subsection (c) before amounts are expended from the fund in accordance with this section for any other purpose.**

(b) Whenever the balance in the special employment and training services fund exceeds eight million five hundred thousand dollars (\$8,500,000), the department shall order payment of the amount that exceeds eight million five hundred thousand dollars (\$8,500,000) into the unemployment insurance benefit fund.

(c) Subject to the availability of funds, on July 1 each year the commissioner shall release **the following amounts before expenditures are made in accordance with this section for any other purpose:**

(1) One million dollars (\$1,000,000) to the state educational institution established under IC 21-25-2-1 for training provided to participants in apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(2) Four million dollars (\$4,000,000) to the state educational institution instituted and incorporated under IC 21-22-2-1 for training provided to participants in joint labor and management apprenticeship programs approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(3) Two hundred fifty thousand dollars (\$250,000) for journeyman upgrade training to each of the state educational institutions described in subdivisions (1) and (2).

(4) Four hundred thousand dollars (\$400,000) annually for training and counseling assistance:

(A) provided by Hometown Plans under 41 CFR 60-4.5; and

(B) approved by the United States Department of Labor, Bureau of Apprenticeship and Training;

to individuals who have been unemployed for at least four (4) weeks or whose annual income is less than twenty thousand dollars (\$20,000). ~~and~~

(5) Three hundred thousand dollars (\$300,000) annually for training and counseling assistance provided by the state institution established under IC 21-25-2-1 to individuals who have been unemployed for at least four (4) weeks or whose annual



income is less than twenty thousand dollars (\$20,000) for the purpose of enabling those individuals to apply for admission to apprenticeship programs offered by providers approved by the United States Department of Labor, Bureau of Apprenticeship and Training.

(d) Each state educational institution described in subsection (c) is entitled to keep ten percent (10%) of the funds released under subsection (c) for the payment of costs of administering the funds. On each June 30 following the release of the funds, any funds released under subsection (c) not used by the state educational institutions under subsection (c) shall be returned to the special employment and training services fund."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1154 as introduced.)

VANNATTER

Committee Vote: yeas 12, nays 0.

