

HOUSE BILL No. 1243

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7; IC 4-15-10.5-2; IC 4-21.5-2-4; IC 5-2-6.1-32; IC 5-16-13-15; IC 6-3; IC 6-8-13-11; IC 11-10-7-3; IC 12-7-2-44.7; IC 16-28-13-8; IC 22-1-5; IC 22-4; IC 22-4.1; IC 22-6-1-4; IC 31-25-4-8; IC 34-7-4-2; IC 34-30; IC 34-52-2-1; IC 35-43-5-1; IC 35-46-1-9; IC 35-52-22.

Synopsis: Reemployment assistance program. Renames the "unemployment compensation system" to the "reemployment assistance program". Changes the maximum total amount of reemployment assistance benefits, with respect to initial claims filed for any week beginning on and after January 1, 2023, to a range between 12 times the individual's weekly benefit if the state average unemployment rate is not more than 5.5% and 20 times the individual's weekly benefit if the state average unemployment rate is greater than 9%. (Under current law, the maximum total amount of benefits is 26 times the individual's weekly benefit, or 28% of the individual's wage credits with respect to the individual's base period, whichever is less.) Makes corresponding changes.

Effective: January 1, 2023.

Miller D, DeVon

January 6, 2022, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1243

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 3-7-18-2, AS AMENDED BY P.L.107-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2023]: Sec. 2. (a) Except as provided in subsection (b)
4 and as provided in 52 U.S.C. 20506(a)(4)(A)(i) and 52 U.S.C.
5 20506(a)(6)(A), an agency designated under IC 3-7-19 (board of
6 registration offices), IC 3-7-20.5 (~~unemployment~~ **reemployment**
7 **assistance** compensation offices and law enforcement offices), and
8 IC 3-7-21 (additional designated voter registration offices) shall
9 distribute a voter registration form prescribed under this chapter to
10 each person applying for assistance from the agency whenever the
11 applicant:
12 (1) applies for service or assistance;
13 (2) applies for recertification or renewal of services or assistance;
14 or
15 (3) submits a change of address form relating to the service or
16 assistance;
17 unless the applicant declines in writing to register to vote.



1 (b) A law enforcement agency is not required to distribute the voter
 2 registration form described under subsection (a) unless a person is
 3 applying for a license to carry a handgun under IC 35-47-2-3.

4 SECTION 2. IC 3-7-20.5-1, AS AMENDED BY P.L.107-2019,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2023]: Sec. 1. Each of the following locations is
 7 designated as a voter registration office under 52 U.S.C. 20506:

8 (1) Each office of the department of employment and training
 9 services that provides assistance or services concerning
 10 ~~unemployment~~ **reemployment assistance** compensation.

11 (2) Each office affiliated with the Indiana state police.

12 (3) Each office affiliated with the sheriff of a county.

13 (4) Each office affiliated with a municipal law enforcement
 14 agency.

15 SECTION 3. IC 4-15-10.5-2, AS ADDED BY P.L.205-2019,
 16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2023]: Sec. 2. This chapter does not apply to:

18 (1) the department of workforce development;

19 (2) the ~~unemployment insurance~~ **reemployment assistance**
 20 review board of the department of workforce development;

21 (3) the worker's compensation board of Indiana;

22 (4) the Indiana utility regulatory commission;

23 (5) the department of state revenue;

24 (6) the department of local government finance;

25 (7) the Indiana board of tax review;

26 (8) the natural resources commission;

27 (9) the office of environmental adjudication;

28 (10) the Indiana education employment relations board;

29 (11) the state employees appeals commission; or

30 (12) before July 1, 2022, any other agency or category of
 31 proceeding determined by the governor to be exempt from this
 32 chapter for good cause.

33 SECTION 4. IC 4-21.5-2-4, AS AMENDED BY P.L.132-2019,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JANUARY 1, 2023]: Sec. 4. (a) This article does not apply to any of
 36 the following agencies:

37 (1) The governor.

38 (2) The state board of accounts.

39 (3) The state educational institutions.

40 (4) The department of workforce development.

41 (5) The ~~unemployment insurance~~ **reemployment assistance**
 42 review board of the department of workforce development.



- 1 (6) The worker's compensation board of Indiana.
- 2 (7) The military officers or boards.
- 3 (8) The Indiana utility regulatory commission.
- 4 (9) The department of state revenue (excluding an agency action
- 5 related to the licensure of private employment agencies).
- 6 (10) The department of local government finance.
- 7 (11) The Indiana board of tax review.
- 8 (12) The Indiana department of veterans' affairs.
- 9 (13) The Indiana veterans' affairs commission.
- 10 (b) This article does not apply to action related to railroad rate and
- 11 tariff regulation by the Indiana department of transportation.
- 12 SECTION 5. IC 5-2-6.1-32, AS AMENDED BY P.L.113-2014,
- 13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JANUARY 1, 2023]: Sec. 32. (a) The division shall reduce an award
- 15 made under this chapter by the amount of benefits received or to be
- 16 received from the following sources if those benefits result from or are
- 17 in any manner attributable to the bodily injury or death upon which the
- 18 award is based:
- 19 (1) Benefits from public or private pension programs, including
- 20 Social Security benefits.
- 21 (2) Benefits from proceeds of an insurance policy.
- 22 (3) Benefits under IC 22-3-2 through IC 22-3-6.
- 23 (4) ~~Unemployment~~ **Reemployment assistance** compensation
- 24 benefits.
- 25 (5) Benefits from other public funds, including Medicaid and
- 26 Medicare.
- 27 Compensation must be further reduced or denied to the extent that the
- 28 claimant's loss is recouped from other collateral sources.
- 29 (b) The division shall further reduce an award under this chapter by
- 30 the following:
- 31 (1) The amount of court ordered restitution actually received by
- 32 the claimant from the offender.
- 33 (2) Benefits actually received by the claimant from a third party
- 34 on behalf of the offender.
- 35 (c) The division shall determine whether the claimant vigorously
- 36 pursued recovery against available collateral sources described in this
- 37 section.
- 38 (d) If the division finds that a claimant has failed to pursue an
- 39 applicable collateral source of recovery, the division shall reduce or
- 40 deny an award under this section by the amount that is available to the
- 41 claimant through the collateral source.
- 42 (e) A claimant must exhaust any paid or otherwise compensated



1 vacation leave, sick leave, personal leave, or other compensatory time
 2 accrued through an employer before applying for benefits. The division
 3 may not reimburse the claimant for the use of paid or otherwise
 4 compensated vacation leave, sick leave, personal leave, or other
 5 compensatory time.

6 SECTION 6. IC 5-16-13-15, AS ADDED BY P.L.252-2015,
 7 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JANUARY 1, 2023]: Sec. 15. (a) This section applies to a contractor
 9 in any contractor tier of a public works project.

10 (b) A public agency that reasonably suspects a contractor has
 11 violated a provision of this chapter shall do one (1) of the following:

12 (1) If the suspected violation concerns or is related to any of the
 13 following provisions, the public agency shall refer the matter to
 14 the appropriate agency as follows:

15 (A) For a suspected violation of section 11(1) of this chapter
 16 (E-Verify), the Indiana department of labor.

17 (B) For a suspected violation of section 11(3) of this chapter
 18 (the federal FLSA or state minimum wage law), the Indiana
 19 department of labor.

20 (C) For a suspected violation of section 11(4) of this chapter
 21 (worker's compensation or occupational diseases), the worker's
 22 compensation board of Indiana.

23 (D) For a suspected violation of section 11(5) of this chapter
 24 (~~unemployment insurance~~); (**reemployment assistance**), the
 25 department of workforce development.

26 (2) If the suspected violation concerns a provision of this chapter
 27 other than a provision listed in subdivision (1), the public agency
 28 shall require the contractor to remedy the violation not later than
 29 thirty (30) days after the public agency notifies the contractor of
 30 the violation. The notification to the contractor must be signed by
 31 the chief executive officer of the public agency and sent by a
 32 method that enables the public agency to verify receipt of the
 33 notice by the contractor. During the thirty (30) day period, the
 34 contractor may continue to work on the public works project. If
 35 the contractor fails to remedy the violation within the thirty (30)
 36 day period, the public agency shall find the contractor not
 37 responsible and determine the length of time the contractor is
 38 considered not responsible by the public agency.

39 (c) In making the determination of the length of time a contractor is
 40 not responsible under subsection (b)(2), the public agency shall
 41 consider the severity of the violation. The period during which a
 42 contractor is considered not responsible:



- 1 (1) may not exceed forty-eight (48) months; and
 2 (2) begins on the date of substantial completion of the public
 3 works project.

4 (d) A finding by a public agency under subsection (b)(2) that a
 5 contractor is not responsible may not be used by another public agency
 6 in making a determination as to whether the contractor is responsible
 7 for purposes of that public agency's award of a public works contract
 8 to that contractor.

9 SECTION 7. IC 6-3-2-10, AS AMENDED BY P.L.165-2021,
 10 SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2023]: Sec. 10. (a) For purposes of this section, "excess
 12 adjusted gross income" means the greater of zero (0) or one-half (1/2)
 13 of:

- 14 (1) the individual's adjusted gross income or the combined
 15 adjusted gross income of the individual and the individual's
 16 spouse, if the individual files a joint return with the individual's
 17 spouse, as determined under Section 62 of the Internal Revenue
 18 Code; plus
 19 (2) any ~~unemployment~~ **reemployment assistance** compensation
 20 excluded from federal gross income under Section 85(c) of the
 21 Internal Revenue Code; minus
 22 (3) the following amount:
 23 (A) Eighteen thousand dollars (\$18,000) for an individual who
 24 files a joint tax return with the individual's spouse.
 25 (B) Zero dollars (\$0) if the individual:
 26 (i) is married at the close of the taxable year, as determined
 27 under Section 7703 of the Internal Revenue Code;
 28 (ii) does not file a joint return for the taxable year; and
 29 (iii) does not live apart from the individual's spouse at all
 30 times during the taxable year.
 31 (C) Twelve thousand dollars (\$12,000) for an individual not
 32 described in clause (A) or (B).

33 (b) "Eligible ~~unemployment~~ **reemployment assistance**
 34 compensation" means ~~unemployment~~ **reemployment assistance**
 35 compensation received by an individual and included in the individual's
 36 federal gross income under Section 85 of the Internal Revenue Code
 37 plus any ~~unemployment~~ **reemployment assistance** compensation
 38 received by the individual excluded from federal gross income under
 39 Section 85(c) of the Internal Revenue Code. The term does not include
 40 amounts not taxable under this article as a result of 45 U.S.C. 352.

41 (c) An individual is entitled to a deduction against the individual's
 42 adjusted gross income in an amount equal to the greater of zero (0) or



1 the remainder of:

- 2 (1) eligible ~~unemployment~~ **reemployment assistance**
 3 compensation; minus
 4 (2) excess adjusted gross income.

5 (d) For an individual and an individual's spouse described in
 6 subsection (a)(3)(A):

- 7 (1) the deduction under subsection (c) shall be computed based on
 8 the combined eligible ~~unemployment~~ **reemployment assistance**
 9 compensation of the individual and the individual's spouse; and
 10 (2) this subsection and subsection (c) shall not be construed to
 11 permit more than one (1) deduction under this section.

12 SECTION 8. IC 6-3-4-8, AS AMENDED BY P.L.159-2021,
 13 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2023]: Sec. 8. (a) Except as provided in subsection (d),
 15 every employer making payments of wages subject to tax under this
 16 article, regardless of the place where such payment is made, who is
 17 required under the provisions of the Internal Revenue Code to
 18 withhold, collect, and pay over income tax on wages paid by such
 19 employer to such employee, shall, at the time of payment of such
 20 wages, deduct and retain therefrom the amount prescribed in
 21 withholding instructions issued by the department. The department
 22 shall base its withholding instructions on the adjusted gross income tax
 23 rate for persons, on the total local income tax rate that the taxpayer is
 24 subject to under IC 6-3.6, and on the total amount of exclusions the
 25 taxpayer is entitled to under IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4).
 26 However, the withholding instructions on the adjusted gross income of
 27 a nonresident alien (as defined in Section 7701 of the Internal Revenue
 28 Code) are to be based on applying not more than one (1) withholding
 29 exclusion, regardless of the total number of exclusions that
 30 IC 6-3-1-3.5(a)(3) and IC 6-3-1-3.5(a)(4) permit the taxpayer to apply
 31 on the taxpayer's final return for the taxable year. Such employer
 32 making payments of any wages:

- 33 (1) shall be liable to the state of Indiana for the payment of the tax
 34 required to be deducted and withheld under this section and shall
 35 not be liable to any individual for the amount deducted from the
 36 individual's wages and paid over in compliance or intended
 37 compliance with this section; and
 38 (2) shall make return of and payment to the department monthly
 39 of the amount of tax which under this article and IC 6-3.6 the
 40 employer is required to withhold.

41 (b) An employer shall pay taxes withheld under subsection (a)
 42 during a particular month to the department no later than thirty (30)



1 days after the end of that month. However, in place of monthly
2 reporting periods, the department may permit an employer to report and
3 pay the tax for a calendar year reporting period, if the average monthly
4 amount of all tax required to be withheld by the employer in the
5 previous calendar year does not exceed one thousand dollars (\$1,000).
6 An employer using a reporting period (other than a monthly reporting
7 period) must file the employer's return and pay the tax for a reporting
8 period no later than the last day of the month immediately following
9 the close of the reporting period.

10 (c) For purposes of determining whether an employee is subject to
11 taxation under IC 6-3.6, an employer is entitled to rely on the statement
12 of an employee as to the employee's county of residence as represented
13 by the statement of address in forms claiming exemptions for purposes
14 of withholding, regardless of when the employee supplied the forms.
15 Every employee shall notify the employee's employer within five (5)
16 days after any change in the employee's county of residence.

17 (d) A county that makes payments of wages subject to tax under this
18 article:

19 (1) to a precinct election officer (as defined in IC 3-5-2-40.1); and

20 (2) for the performance of the duties of the precinct election
21 officer imposed by IC 3 that are performed on election day;

22 is not required, at the time of payment of the wages, to deduct and
23 retain from the wages the amount prescribed in withholding
24 instructions issued by the department.

25 (e) Every employer shall, at the time of each payment made by the
26 employer to the department, deliver to the department a return upon the
27 form prescribed by the department showing, with regard to wages paid
28 to the employer's employees:

29 (1) the amount of adjusted gross income tax deducted therefrom
30 in accordance with the provisions of this section;

31 (2) the amount of income tax, if any, imposed under IC 6-3.6 and
32 deducted therefrom in accordance with this section; and

33 (3) any other information the department may require.

34 Every employer making a declaration of withholding as provided in this
35 section shall furnish the employer's employees annually, but not later
36 than thirty (30) days after the end of the calendar year, a record of the
37 total amount of adjusted gross income tax and the amount of each
38 income tax, if any, imposed under IC 6-3.6, withheld from the
39 employees, on the forms prescribed by the department. In addition, the
40 employer shall file Form WH-3 annual withholding tax reports with the
41 department not later than thirty-one (31) days after the end of the
42 calendar year.



1 (f) All money deducted and withheld by an employer shall
2 immediately upon such deduction be the money of the state, and every
3 employer who deducts and retains any amount of money under the
4 provisions of this article shall hold the same in trust for the state of
5 Indiana and for payment thereof to the department in the manner and
6 at the times provided in this article. Any employer may be required to
7 post a surety bond in the sum the department determines to be
8 appropriate to protect the state with respect to money withheld pursuant
9 to this section.

10 (g) The provisions of IC 6-8.1 relating to additions to tax in case of
11 delinquency and penalties shall apply to employers subject to the
12 provisions of this section, and for these purposes any amount deducted
13 or required to be deducted and remitted to the department under this
14 section shall be considered to be the tax of the employer, and with
15 respect to such amount the employer shall be considered the taxpayer.
16 In the case of a corporate or partnership employer, every officer,
17 employee, or member of such employer, who, as such officer,
18 employee, or member is under a duty to deduct and remit such taxes,
19 shall be personally liable for such taxes, penalties, and interest.

20 (h) Amounts deducted from wages of an employee during any
21 calendar year in accordance with the provisions of this section shall be
22 considered to be in part payment of the tax imposed on such employee
23 for the employee's taxable year which begins in such calendar year, and
24 a return made by the employer under subsection (b) shall be accepted
25 by the department as evidence in favor of the employee of the amount
26 so deducted from the employee's wages. Where the total amount so
27 deducted exceeds the amount of tax on the employee as computed
28 under this article and IC 6-3.6, the department shall, after examining
29 the return or returns filed by the employee in accordance with this
30 article and IC 6-3.6, refund the amount of the excess deduction.
31 However, under rules promulgated by the department, the excess or any
32 part thereof may be applied to any taxes or other claim due from the
33 taxpayer to the state of Indiana or any subdivision thereof. In the event
34 that the excess tax deducted is less than one dollar (\$1), no refund shall
35 be made.

36 (i) This section shall in no way relieve any taxpayer from the
37 taxpayer's obligation of filing a return or returns at the time required
38 under this article and IC 6-3.6, and, should the amount withheld under
39 the provisions of this section be insufficient to pay the total tax of such
40 taxpayer, such unpaid tax shall be paid at the time prescribed by
41 section 5 of this chapter.

42 (j) Notwithstanding subsection (b), an employer of a domestic



1 service employee that enters into an agreement with the domestic
 2 service employee to withhold federal income tax under Section 3402
 3 of the Internal Revenue Code may withhold Indiana income tax on the
 4 domestic service employee's wages on the employer's Indiana
 5 individual income tax return in the same manner as allowed by Section
 6 3510 of the Internal Revenue Code.

7 (k) To the extent allowed by Section 1137 of the Social Security
 8 Act, an employer of a domestic service employee may report and remit
 9 state ~~unemployment~~ **reemployment assistance** insurance contributions
 10 on the employee's wages on the employer's Indiana individual income
 11 tax return in the same manner as allowed by Section 3510 of the
 12 Internal Revenue Code.

13 (l) A person who knowingly fails to remit trust fund money as set
 14 forth in this section commits a Level 6 felony.

15 SECTION 9. IC 6-8-13-11, AS ADDED BY P.L.293-2013(ts),
 16 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2023]: Sec. 11. Subject to section 14 of this chapter, an
 18 out-of-state business that performs disaster emergency related work in
 19 Indiana during a disaster period is exempt from the following during
 20 the disaster period:

21 (1) Paying any state or local taxes, including ad valorem and
 22 payroll taxes, regardless of the manner in which the out-of-state
 23 business reports, files, or remits the taxes. For purposes of any
 24 state or local tax on or measured by, in whole or in part, gross or
 25 net income or receipts, all activity of the out-of-state business that
 26 is conducted in Indiana in accordance with this chapter is
 27 disregarded with respect to any filing requirement of the tax,
 28 including a filing requirement for a unitary or combined group of
 29 which the out-of-state business may be a part.

30 (2) Complying with any state or local business, occupational
 31 licensing, or registration requirements.

32 (3) Providing worker's compensation insurance under IC 22-3-5.

33 (4) Making employer contributions to the ~~unemployment~~
 34 **reemployment assistance** compensation system under
 35 IC 22-4-10.

36 SECTION 10. IC 11-10-7-3, AS AMENDED BY P.L.223-2013,
 37 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JANUARY 1, 2023]: Sec. 3. (a) Any agreement entered into between
 39 the commissioner and a private person under this chapter must provide
 40 that an offender employed by a private person under this chapter will
 41 be paid at least the prevailing wage for that type of work as established
 42 by the department of workforce development, including applicable



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wage increases for overtime work.

(b) An offender may be employed under this chapter only on a voluntary basis and only after the offender has been informed of the conditions of the offender's employment.

(c) An offender employed under this chapter is not eligible for ~~unemployment~~ **reemployment assistance** compensation benefits under workforce development laws.

(d) An offender employed in accordance with this chapter is subject to IC 22-2-5-3 and IC 22-2-9-8.

SECTION 11. IC 12-7-2-44.7, AS AMENDED BY P.L.73-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 44.7. "Countable income", for purposes of IC 12-20, means a monetary amount either paid to an applicant or a member of an applicant's household not more than thirty (30) days before the date of application for township assistance, or accrued and legally available for withdrawal by an applicant or a member of an applicant's household at the time of application or not more than thirty (30) days after the date of application for township assistance. The term includes the following:

- (1) Gross wages before mandatory deductions.
- (2) Social Security benefits, including Supplemental Security Income.
- (3) Aid to Families with Dependent Children.
- (4) ~~Unemployment~~ **Reemployment assistance** compensation.
- (5) Worker's compensation (except compensation that is restricted for the payment of medical expenses).
- (6) Vacation pay.
- (7) Sick benefits.
- (8) Strike benefits.
- (9) Private or public pensions.
- (10) Taxable income from self-employment.
- (11) Bartered goods and services provided by another individual for the payment of nonessential needs on behalf of an applicant or an applicant's household if monetary compensation or the provision of basic necessities would have been reasonably available from that individual.
- (12) Child support.
- (13) Gifts of cash, goods, or services.
- (14) Other sources of revenue or services that the township trustee may reasonably determine to be countable income.

SECTION 12. IC 16-28-13-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 8. An individual



1 who is denied employment or dismissed from employment under this
2 chapter:

- 3 (1) does not have a cause of action;
4 (2) is not eligible for ~~unemployment~~ **reemployment assistance**
5 compensation;
6 (3) does not acquire the rights of an unemployed individual; and
7 (4) does not have other rights under IC 22;

8 as a result of the denial or dismissal.

9 SECTION 13. IC 22-1-5-14, AS ADDED BY P.L.212-2005,
10 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JANUARY 1, 2023]: Sec. 14. A consumer notice must include the
12 following:

13 (1) The duties, responsibilities, and obligations of the placement
14 agency to the:

- 15 (A) home care services worker; and
16 (B) consumer.

17 (2) A statement identifying the placement agency as:

- 18 (A) an employer;
19 (B) a joint employer;
20 (C) a leasing employer; or
21 (D) not an employer.

22 (3) A statement that notwithstanding the employment status of the
23 placement agency, the consumer:

- 24 (A) may be considered an employer under state and federal
25 employment laws; and
26 (B) may be responsible for:
27 (i) payment of local, state, or federal employment taxes;
28 (ii) payment for Social Security and Medicare contributions;
29 (iii) ensuring payment of at least the minimum wage;
30 (iv) overtime payment;
31 (v) ~~unemployment~~ **reemployment assistance** contributions
32 under IC 22-4-11; or
33 (vi) worker's compensation insurance as required by
34 IC 22-3-2-5 and IC 22-3-7-34;
35 of the home care services worker.

36 (4) The appropriate telephone number, address, and electronic
37 mail address of the department for inquiries regarding the
38 contents of the notice.

39 The department shall determine the content and format of the consumer
40 notice.

41 SECTION 14. IC 22-1-5-15, AS ADDED BY P.L.212-2005,
42 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2023]: Sec. 15. The failure of a placement agency to
 2 provide a consumer notice to the consumer at the time a home care
 3 services worker is placed in the consumer's home does not relieve a
 4 consumer from the duties or obligations as an employer. If a placement
 5 agency fails to provide a consumer notice and the consumer is liable
 6 for payment of wages, taxes, worker's compensation insurance
 7 premiums, or ~~unemployment~~ **reemployment assistance** compensation
 8 employer contributions, the consumer has a right of indemnification
 9 against the placement agency, which includes the actual amounts paid
 10 to or on behalf of the home care services worker as well as the
 11 consumer's attorney's fees and costs.

12 SECTION 15. IC 22-1-5-17, AS ADDED BY P.L.212-2005,
 13 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2023]: Sec. 17. The worker notice referred to in section
 15 16 of this chapter must contain the following:

16 (1) The duties, responsibilities, and obligations of the placement
 17 agency, the consumer, and the home care services worker if the
 18 home care services worker is determined to be an independent
 19 contractor, including:

20 (A) a statement of the party responsible for the payment of the
 21 home care services worker's wages, taxes, Social Security and
 22 Medicare contributions, ~~unemployment~~ **reemployment**
 23 **assistance** contributions, and worker's compensation insurance
 24 premiums; and

25 (B) a statement identifying the party responsible for the home
 26 care services worker's hiring, firing, discipline, day to day
 27 supervision, assignment of duties, and provision of equipment
 28 or materials for use by the home care services worker.

29 (2) The telephone number, address, and electronic mail address
 30 of the department for inquiries regarding the contents of the
 31 notice.

32 The department shall determine the content and format of the consumer
 33 notice.

34 SECTION 16. IC 22-4-1-2, AS ADDED BY P.L.121-2014,
 35 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JANUARY 1, 2023]: Sec. 2. (a) ~~Unemployment~~ **Reemployment**
 37 **assistance** benefits are paid from state funds and are not considered
 38 paid from any special insurance plan or by an employer. An application
 39 for ~~unemployment~~ **reemployment assistance** benefits is not considered
 40 a claim against an employer, but is considered a request for
 41 ~~unemployment~~ **reemployment assistance** benefits from the
 42 ~~unemployment insurance~~ **reemployment assistance** benefit trust fund.



1 (b) The commissioner is responsible for the proper payment of
 2 ~~unemployment~~ **reemployment assistance** benefits without regard to
 3 the level of interest or participation in any determination or appeal by
 4 an applicant or an employer.

5 (c) An applicant's entitlement to ~~unemployment~~ **reemployment**
 6 **assistance** benefits is determined based on the information that is
 7 available without regard to a burden of proof. An agreement between
 8 an applicant and an employer is not binding on the commissioner in
 9 determining an applicant's entitlement to ~~unemployment~~
 10 **reemployment assistance** benefits.

11 (d) There is no presumption of entitlement or nonentitlement to
 12 ~~unemployment~~ **reemployment assistance** benefits. There is no
 13 equitable or common law allowance for or denial of ~~unemployment~~
 14 **reemployment assistance** benefits.

15 SECTION 17. IC 22-4-2-4 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 4. "Contributions"
 17 means the money payments to the ~~unemployment insurance~~
 18 **reemployment assistance** benefit fund required and provided by the
 19 terms of this article.

20 SECTION 18. IC 22-4-2-9, AS AMENDED BY P.L.122-2019,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2023]: Sec. 9. "Fund" means the ~~unemployment~~
 23 **insurance reemployment assistance** benefit fund established by
 24 IC 22-4-26-1, in which all contributions required, all payments in lieu
 25 of contributions, and all money received from the federal government
 26 as reimbursements pursuant to section 204 of the Federal-State
 27 Extended Compensation Act of 1970, 26 U.S.C. 3304, shall be
 28 deposited and from which all benefits provided under this article shall
 29 be paid.

30 SECTION 19. IC 22-4-2-19 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 19. "Agency"
 32 means any officer, board, commission, or other authority designated by
 33 an unemployment insurance law **or reemployment assistance law** in
 34 force in any state or in Canada to administer the unemployment
 35 insurance fund **or reemployment assistance benefit fund** for which
 36 provision is made by such unemployment insurance law **or**
 37 **reemployment assistance law**.

38 SECTION 20. IC 22-4-2-34, AS AMENDED BY P.L.171-2016,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2023]: Sec. 34. (a) With respect to benefits for weeks of
 41 unemployment beginning after August 13, 1981, "extended benefit
 42 period" means a period which begins with the third week after a week



1 for which there is a state "on" indicator and ends with the later of the
2 following:

3 (1) The third week after the first week for which there is a state
4 "off" indicator.

5 (2) The thirteenth consecutive week of such period.

6 (b) However, no extended benefit period may begin by reason of a
7 state "on" indicator before the fourteenth week following the end of a
8 prior extended benefit period which was in effect with respect to this
9 state.

10 (c) There is a state "on" indicator for this state for a week if the
11 commissioner determines, in accordance with the regulations of the
12 United States Secretary of Labor, that for the period consisting of such
13 week and the immediately preceding twelve (12) weeks, the rate of
14 insured unemployment (not seasonally adjusted) under this article:

15 (1) equaled or exceeded one hundred twenty percent (120%) of
16 the average of such rates for the corresponding 13-week period
17 ending in each of the preceding two (2) calendar years; and

18 (2) equaled or exceeded five percent (5%).

19 However, the determination of whether there has been a state "on" or
20 "off" indicator beginning or ending any extended benefit period shall
21 be made under this subsection as if it did not contain subdivision (1) if
22 the insured unemployment rate is at least six percent (6%). Any week
23 for which there would otherwise be a state "on" indicator shall continue
24 to be such a week and may not be determined to be a week for which
25 there is a state "off" indicator.

26 (d) In addition to the test for a state "on" indicator under subsection
27 (c), there is a state "on" indicator for this state for a week if:

28 (1) the average rate of total unemployment in Indiana, seasonally
29 adjusted, as determined by the United States Secretary of Labor,
30 for the period consisting of the most recent three (3) months for
31 which data for all states are published before the close of the
32 week, equals or exceeds six and five-tenths percent (6.5%); and

33 (2) the average rate of total unemployment in Indiana, seasonally
34 adjusted, as determined by the United States Secretary of Labor,
35 for the three (3) month period referred to in subdivision (1) equals
36 or exceeds one hundred ten percent (110%) of the average for
37 either or both of the corresponding three (3) month periods ending
38 in the two (2) preceding calendar years.

39 There is a state "off" indicator for a week if either of the requirements
40 in subdivisions (1) and (2) are not satisfied. However, any week for
41 which there would otherwise be a state "on" indicator under this section
42 continues to be subject to the "on" indicator and shall not be considered



1 a week for which there is a state "off" indicator. This subsection expires
2 on the later of December 5, 2009, or the week ending four (4) weeks
3 before the last week for which federal sharing is authorized by Section
4 2005(a) of Division B, Title II (the federal Assistance to Unemployed
5 Workers and Struggling Families Act) of the federal American
6 Recovery and Reinvestment Act of 2009 (P.L. 111-5).

7 (e) There is a state "off" indicator for this state for a week if the
8 commissioner determines, in accordance with the regulations of the
9 United States Secretary of Labor, that for the period consisting of such
10 week and the immediately preceding twelve (12) weeks, the
11 requirements of subsection (c) have not been met.

12 (f) With respect to benefits for weeks of unemployment beginning
13 after August 13, 1981, "rate of insured unemployment," for purposes
14 of subsection (c), means the percentage derived by dividing:

15 (1) the average weekly number of individuals filing claims for
16 regular compensation in this state for weeks of unemployment
17 with respect to the most recent 13 consecutive week period (as
18 determined by the department on the basis of this state's reports
19 to the United States Secretary of Labor); by

20 (2) the average monthly employment covered under this article
21 for the first four (4) of the most recent six (6) completed calendar
22 quarters ending before the end of such 13-week period.

23 (g) "Regular benefits" means benefits payable to an individual under
24 this article or under the law of any other state (including benefits
25 payable to federal civilian employees and to ex-servicemen pursuant to
26 5 U.S.C. 8501 through 8525) other than extended benefits. "Additional
27 benefits" means benefits other than extended benefits and which are
28 totally financed by a state payable to exhaustees by reason of
29 conditions of high unemployment or by reason of other special factors
30 under the provisions of any state law. If extended compensation is
31 payable to an individual by this state and additional compensation is
32 payable to the individual for the same week by any state, the individual
33 may elect which of the two (2) types of compensation to claim.

34 (h) "Extended benefits" means benefits (including benefits payable
35 to federal civilian employees and to ex-servicemen pursuant to 5
36 U.S.C. 8501 through 8525) payable to an individual under the
37 provisions of this article for weeks of unemployment in the individual's
38 "eligibility period". Pursuant to Section 3304 of the Internal Revenue
39 Code extended benefits are not payable to interstate claimants filing
40 claims in an agent state which is not in an extended benefit period,
41 against the liable state of Indiana when the state of Indiana is in an
42 extended benefit period. This prohibition does not apply to the first two



1 (2) weeks claimed that would, but for this prohibition, otherwise be
 2 payable. However, only one (1) such two (2) week period will be
 3 granted on an extended claim. Notwithstanding any other provisions of
 4 this chapter, with respect to benefits for weeks of unemployment
 5 beginning after October 31, 1981, if the benefit year of any individual
 6 ends within an extended benefit period, the remaining balance of
 7 extended benefits that the individual would, but for this clause, be
 8 entitled to receive in that extended benefit period, with respect to
 9 weeks of unemployment beginning after the end of the benefit year,
 10 shall be reduced (but not below zero (0)) by the product of the number
 11 of weeks for which the individual received any amounts as trade
 12 readjustment allowances within that benefit year, multiplied by the
 13 individual's weekly benefit amount for extended benefits.

14 (i) "Eligibility period" of an individual means the period consisting
 15 of the weeks in the individual's benefit period which begin in an
 16 extended benefit period and, if the individual's benefit period ends
 17 within such extended benefit period, any weeks thereafter which begin
 18 in such extended benefit period. For any weeks of unemployment
 19 beginning after February 17, 2009, and before January 1, 2012, an
 20 individual's eligibility period (as described in Section 203(c) of the
 21 Federal-State Unemployment Compensation Act of 1970) is, for
 22 purposes of any determination of eligibility for extended compensation
 23 under state law, considered to include any week that begins:

24 (1) after the date as of which the individual exhausts all rights to
 25 emergency unemployment compensation; and

26 (2) during an extended benefit period that began on or before the
 27 date described in subdivision (1).

28 (j) "Exhaustee" means an individual who, with respect to any week
 29 of unemployment in the individual's eligibility period:

30 (1) has received, prior to such week, all of the regular benefits
 31 including dependent's allowances that were available to the
 32 individual under this article or under the law of any other state
 33 (including benefits payable to federal civilian employees and
 34 ex-servicemen under 5 U.S.C. 8501 through 8525) in the
 35 individual's current benefit period that includes such week.
 36 However, for the purposes of this subsection, an individual shall
 37 be deemed to have received all of the regular benefits that were
 38 available to the individual although as a result of a pending appeal
 39 with respect to wages that were not considered in the original
 40 monetary determination in the individual's benefit period or
 41 although a nonmonetary decision denying benefits is pending, the
 42 individual may subsequently be determined to be entitled to



1 added regular benefits;

2 (2) may be entitled to regular benefits with respect to future
3 weeks of unemployment but such benefits are not payable with
4 respect to such week of unemployment by reason of seasonal
5 limitations in any state unemployment insurance law **or**
6 **reemployment assistance law**; or

7 (3) having had the individual's benefit period expire prior to such
8 week, has no, or insufficient, wages on the basis of which the
9 individual could establish a new benefit period that would include
10 such week;

11 and has no right to unemployment benefits or allowances, as the case
12 may be, under the Railroad Unemployment Insurance Act, the Trade
13 Act of 1974, the Automotive Products Trade Act of 1965 and such
14 other federal laws as are specified in regulations issued by the United
15 States Secretary of Labor, and has not received and is not seeking
16 unemployment benefits under the unemployment compensation law of
17 Canada; but if the individual is seeking such benefits and the
18 appropriate agency finally determines that the individual is not entitled
19 to benefits under such law, the individual is considered an exhaustee.

20 (k) "State law" means the unemployment insurance law **or**
21 **reemployment assistance law** of any state, approved by the United
22 States Secretary of Labor under Section 3304 of the Internal Revenue
23 Code.

24 (l) With respect to compensation for weeks of unemployment
25 beginning after March 1, 2011, and ending on the later of December
26 10, 2011, or the week ending four (4) weeks before the last week for
27 which federal sharing is authorized by Section 2005(a) of Division B,
28 Title II (the federal Assistance to Unemployed and Struggling Families
29 Act) of the federal American Recovery and Reinvestment Act of 2009
30 (P.L. 111-5), in addition to the tests for a state "on" indicator under
31 subsections (c) and (d), there is a state "on" indicator for a week if:

32 (1) the average rate of insured unemployment for the period
33 consisting of the week and the immediately preceding twelve (12)
34 weeks equals or exceeds five percent (5%); and

35 (2) the average rate of insured unemployment for the period
36 consisting of the week and the immediately preceding twelve (12)
37 weeks equals or exceeds one hundred twenty percent (120%) of
38 the average rates of insured unemployment for the corresponding
39 thirteen (13) week period ending in each of the preceding three

40 (3) calendar years.

41 (m) There is a state "off" indicator for a week based on the rate of
42 insured unemployment only if the rate of insured unemployment for the



1 period consisting of the week and the immediately preceding twelve
2 (12) weeks does not result in an "on" indicator under subsection (c)(1).

3 (n) With respect to compensation for weeks of unemployment
4 beginning after March 1, 2011, and ending on the later of December
5 10, 2011, or the week ending four (4) weeks before the last week for
6 which federal sharing is authorized by Section 2005(a) of Division B,
7 Title II (the federal Assistance to Unemployed and Struggling Families
8 Act) of the federal American Recovery and Reinvestment Act of 2009
9 (P.L. 111-5), in addition to the tests for a state "on" indicator under
10 subsections (c), (d), and (l) there is a state "on" indicator for a week if:

11 (1) the average rate of total unemployment (seasonally adjusted),
12 as determined by the United States Secretary of Labor, for the
13 period consisting of the most recent three (3) months for which
14 data for all states are published before the close of the week
15 equals or exceeds six and one-half percent (6.5%); and

16 (2) the average rate of total unemployment in Indiana (seasonally
17 adjusted), as determined by the United States Secretary of Labor,
18 for the three (3) month period referred to in subdivision (1) equals
19 or exceeds one hundred ten percent (110%) of the average for any
20 or all of the corresponding three (3) month periods ending in the
21 three (3) preceding calendar years.

22 (o) There is a state "off" indicator for a week based on the rate of
23 total unemployment only if the rate of total unemployment for the
24 period consisting of the most recent three (3) months for which data for
25 all states are published before the close of the week does not result in
26 an "on" indicator under subsection (d)(1).

27 SECTION 21. IC 22-4-2-38 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 38. As used in
29 this article, "review board" means the ~~unemployment insurance~~
30 **reemployment assistance** review board.

31 SECTION 22. IC 22-4-2-41 IS ADDED TO THE INDIANA CODE
32 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
33 JANUARY 1, 2023]: **Sec. 41. As used in this article, "state average**
34 **unemployment rate" means the average rate of total**
35 **unemployment in the state, seasonally adjusted, as published by the**
36 **department, for the period consisting of three (3) months during**
37 **the most recent third calendar quarter.**

38 SECTION 23. IC 22-4-5-0.1, AS ADDED BY P.L.220-2011,
39 SECTION 363, IS AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE JANUARY 1, 2023]: Sec. 0.1. The amendments made
41 to section 1 of this chapter by P.L.138-2008 apply to initial claims for
42 ~~unemployment~~ **reemployment assistance** filed for weeks that begin



1 after March 14, 2008.

2 SECTION 24. IC 22-4-5-1, AS AMENDED BY P.L.2-2011,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2023]: Sec. 1. (a) "Deductible income" wherever used
5 in this article, means income deductible from the weekly benefit
6 amount of an individual in any week, and shall include, but shall not be
7 limited to, any of the following:

8 (1) Remuneration for services from employing units, whether or
9 not such remuneration is subject to contribution under this article,
10 except as provided in subsection (c).

11 (2) Dismissal pay.

12 (3) Vacation pay.

13 (4) Pay for idle time.

14 (5) Holiday pay.

15 (6) Sick pay.

16 (7) Traveling expenses granted to an individual by an employing
17 unit and not fully accounted for by such individual.

18 (8) Net earnings from self-employment.

19 (9) Payments in lieu of compensation for services.

20 (10) Awards by the national labor relations board of additional
21 pay, back pay, or for loss of employment, or any such payments
22 made under an agreement entered into by an employer, a union,
23 and the National Labor Relations Board.

24 (11) Payments made to an individual by an employing unit
25 pursuant to the terms of the Fair Labor Standards Act (Federal
26 Wage and Hour Law, 29 U.S.C. 201 et seq.).

27 (12) This subdivision applies to initial claims for unemployment
28 filed for a week that begins after March 14, 2008, and before
29 October 1, 2011. For a week in which a payment is actually
30 received by an individual, payments made by an employer to an
31 individual who accepts an offer from the employer in connection
32 with a layoff or a plant closure.

33 (13) This subdivision applies to initial claims for unemployment
34 filed for a week that begins after March 14, 2008, and before
35 October 1, 2011. Except as provided in subsection (c)(2), the part
36 of a payment made by an employer to an individual who accepts
37 an offer from the employer in connection with a layoff or a plant
38 closure if that part is attributable to a week and the week:

39 (A) occurs after an individual receives the payment; and

40 (B) was used under the terms of a written agreement to
41 compute the payment.

42 (b) Deductible income shall not include the first three dollars (\$3),



1 or twenty percent (20%) of the claimant's weekly benefit amount
 2 rounded to the next lowest dollar, whichever is the larger, of
 3 remuneration paid or payable to an individual with respect to any week
 4 by other than the individual's base period employer or employers.

5 (c) For the purpose of deductible income only, remuneration for
 6 services from employing units does not include:

7 (1) bonuses, gifts, or prizes awarded to an employee by an
 8 employing unit; or

9 (2) for initial claims for unemployment filed for a week that
 10 begins after March 14, 2008, and before October 1, 2011,
 11 compensation made under a valid negotiated contract or
 12 agreement in connection with a layoff or plant closure, without
 13 regard to how the compensation is characterized by the contract
 14 or agreement.

15 (d) Deductible income does not include a supplemental
 16 ~~unemployment insurance~~ **reemployment assistance** benefit made
 17 under a valid negotiated contract or agreement.

18 (e) Deductible income does not include any payments made to an
 19 individual by a court system under a summons for jury service.

20 SECTION 25. IC 22-4-5-3, AS AMENDED BY P.L.122-2019,
 21 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2023]: Sec. 3. (a) This section applies for purposes of
 23 deductible income only.

24 (b) If:

25 (1) an employee and an employing unit have agreed in a labor
 26 contract, that is negotiated on or before May 10, 1987, and any
 27 renewals of the contract, to establish a work week that is a
 28 different term of seven (7) days than the calendar week;

29 (2) the employing unit has filed a written notice with the
 30 department in the form and manner prescribed by the department
 31 stating that a work week other than the calendar week has been
 32 established under the labor contract between the employing unit
 33 and its employees; and

34 (3) the notice has been filed with the department before an
 35 employee working on the contractual work week files a claim for
 36 ~~unemployment~~ **reemployment assistance** compensation benefits;
 37 the work week specified in the contract may be used for purposes of
 38 this chapter.

39 SECTION 26. IC 22-4-6.5-8, AS ADDED BY P.L.33-2013,
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2023]: Sec. 8. (a) A PEO shall use the client level
 42 reporting method to report and pay all required contributions to the



1 ~~unemployment reemployment assistance~~ compensation fund as
 2 required by IC 22-4-10, unless the PEO elects the PEO level reporting
 3 method under section 9 of this chapter.

4 (b) A PEO that initially elects the PEO level reporting method under
 5 section 9 of this chapter may subsequently elect the client level
 6 reporting method under section 11 of this chapter.

7 (c) A PEO using the client level reporting method may not change
 8 its reporting method.

9 (d) Except as provided by IC 22-4-32-21(d), a PEO and its related
 10 entities shall use the same reporting method for all clients.

11 SECTION 27. IC 22-4-6.5-9, AS AMENDED BY P.L.122-2019,
 12 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2023]: Sec. 9. (a) A PEO may elect the PEO level
 14 reporting method, which uses the state employer account number and
 15 contribution rate of the PEO to report and pay all required contributions
 16 to the ~~unemployment reemployment assistance~~ compensation fund as
 17 required by IC 22-4-10.

18 (b) A PEO shall make the election required by subsection (a) not
 19 later than the following:

20 (1) December 1, 2013, if the PEO is doing business in Indiana on
 21 July 1, 2013.

22 (2) The first date the PEO is liable to make contributions under
 23 this article for at least one (1) covered employee, if the PEO
 24 begins doing business in Indiana after July 1, 2013.

25 (c) The election required by subsection (a) must be made in the
 26 form and manner prescribed by the department.

27 (d) A PEO that does not make an election under this section shall
 28 use the client level reporting method.

29 SECTION 28. IC 22-4-6.5-11, AS AMENDED BY P.L.122-2019,
 30 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2023]: Sec. 11. (a) A PEO using the PEO level reporting
 32 method may elect the client level reporting method, which uses the
 33 state employer account number and contribution rate of the client to
 34 report and pay all required contributions to the ~~unemployment~~
 35 **reemployment assistance** compensation fund as required by
 36 IC 22-4-10.

37 (b) A PEO shall make an election under subsection (a) not later than
 38 December 1 of the calendar year before the calendar year in which the
 39 election is effective.

40 (c) An election under subsection (a) must be made in the form and
 41 manner prescribed by the department.

42 (d) An election under subsection (a) is effective on January 1 of the



1 calendar year immediately following the year in which the department
2 receives the notice described in subsection (c).

3 SECTION 29. IC 22-4-8-2, AS AMENDED BY P.L.175-2009,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2023]: Sec. 2. The term "employment" shall include:

6 (a) An individual's entire service performed within or both within
7 and without Indiana if the service is localized in Indiana.

8 (b) An individual's entire service performed within or both within
9 and without Indiana if the service is not localized in any state, but some
10 of the service is performed in Indiana and:

11 (1) the base of operations, or, if there is no base of operations,
12 then the place from which such service is directed or controlled
13 is in Indiana;

14 (2) the base of operations or place from which such service is
15 directed or controlled is not in any state in which some part of the
16 service is performed but the individual's residence is in Indiana;

17 or

18 (3) such service is not covered under the unemployment
19 compensation law **or reemployment assistance compensation**
20 **law** of any other state or Canada, and the place from which the
21 service is directed or controlled is in Indiana.

22 (c) Services not covered under subsections (a) and (b) and
23 performed entirely without Indiana, with respect to no part of which
24 contributions are required and paid under an unemployment
25 compensation law **or a reemployment assistance compensation law**
26 of any other state or of the United States, shall be deemed to be
27 employment subject to this article if the department approves the
28 election of the individual performing such services and the employing
29 unit for which such services are performed, that the entire services of
30 such individual shall be deemed to be employment subject to this
31 article.

32 (d) Services covered by an election duly approved by the
33 department, in accordance with an agreement pursuant to IC 22-4-22-1
34 through IC 22-4-22-5, shall be deemed to be employment during the
35 effective period of such election.

36 (e) Service shall be deemed to be localized within a state if:

37 (1) the service is performed entirely within such state; or

38 (2) the service is performed both within and without such state,
39 but the service performed without such state is incidental to the
40 individual's service within the state, such as is temporary or
41 transitory in nature or consists of isolated transactions.

42 (f) Periods of vacation with pay or leave with pay, other than



1 military leave granted or given to an individual by an employer.

2 (g) Notwithstanding any other provisions of this article, the term
3 employment shall also include all services performed by an officer or
4 member of the crew of an American vessel or American aircraft, on or
5 in connection with such vessel or such aircraft, provided that the
6 operating office, from which the operations of such vessel operating on
7 navigable waters within or the operations of such aircraft within, or the
8 operation of such vessel or aircraft within and without the United States
9 are ordinarily and regularly supervised, managed, directed, and
10 controlled, is within this state.

11 (h) Services performed for an employer which is subject to
12 contribution solely by reason of liability for any federal tax against
13 which credit may be taken for contributions paid into a state
14 unemployment compensation fund **or reemployment assistance**
15 **compensation fund.**

16 (i) The following:

17 (1) Service performed after December 31, 1971, by an individual
18 in the employ of this state or any of its instrumentalities (or in the
19 employ of this state and one (1) or more other states or their
20 instrumentalities) for a hospital or eligible postsecondary
21 educational institution located in Indiana.

22 (2) Service performed after December 31, 1977, by an individual
23 in the employ of this state or a political subdivision of the state or
24 any instrumentality of the state or a political subdivision, or any
25 instrumentality which is wholly owned by the state and one (1) or
26 more other states or political subdivisions, if the service is
27 excluded from "employment" as defined in Section 3306(c)(7) of
28 the Federal Unemployment Tax Act (26 U.S.C. 3306(c)(7)).
29 However, service performed after December 31, 1977, as the
30 following is excluded:

31 (A) An elected official.

32 (B) A member of a legislative body or of the judiciary of a
33 state or political subdivision.

34 (C) A member of the state national guard or air national guard.

35 (D) An employee serving on a temporary basis in the case of
36 fire, snow, storm, earthquake, flood, or similar emergency.

37 (E) An individual in a position which, under the laws of the
38 state, is designated as:

39 (i) a major nontenured policymaking or advisory position; or

40 (ii) a policymaking or advisory position the performance of
41 the duties of which ordinarily does not require more than
42 eight (8) hours per week.



- 1 (3) Service performed after March 31, 1981, by an individual
 2 whose service is part of an unemployment work relief or work
 3 training program assisted or financed in whole by any federal
 4 agency or an agency of this state or a political subdivision of this
 5 state, by an individual receiving such work relief or work training
 6 is excluded.
- 7 (j) Service performed after December 31, 1971, by an individual in
 8 the employ of a religious, charitable, educational, or other organization,
 9 but only if the following conditions are met:
- 10 (1) The service is excluded from "employment" as defined in the
 11 Federal Unemployment Tax Act solely by reason of Section
 12 3306(c)(8) of that act (26 U.S.C. 3306(c)(8)).
- 13 (2) The organization had four (4) or more individuals in
 14 employment for some portion of a day in each of twenty (20)
 15 different weeks, whether or not such weeks were consecutive,
 16 within either the current or preceding calendar year, regardless of
 17 whether they were employed at the same moment of time.
- 18 (3) For the purposes of subdivisions (1) and (2), the term
 19 "employment" does not apply to service performed as follows:
- 20 (A) In the employ of:
- 21 (i) a church or convention or association of churches; or
 22 (ii) an organization which is operated primarily for religious
 23 purposes and which is operated, supervised, controlled, or
 24 principally supported by a church or convention or
 25 association of churches.
- 26 (B) By a duly ordained, commissioned, or licensed minister of
 27 a church in the exercise of his ministry or by a member of a
 28 religious order in the exercise of duties required by such order.
- 29 (C) Before January 1, 1978, in the employ of a school which
 30 is not an eligible postsecondary educational institution.
- 31 (D) In a facility conducted for the purpose of carrying out a
 32 program of rehabilitation for individuals whose earning
 33 capacity is impaired by age or physical or mental deficiency or
 34 injury or providing remunerative work for individuals who
 35 because of their impaired physical or mental capacity cannot
 36 be readily absorbed in the competitive labor market by an
 37 individual receiving such rehabilitation or remunerative work.
- 38 (E) As part of an unemployment work relief or work training
 39 program assisted or financed in whole or in part by any federal
 40 agency or an agency of a state or political subdivision thereof,
 41 by an individual receiving such work relief or work training.
- 42 (k) The service of an individual who is a citizen of the United



1 States, performed outside the United States (except in Canada), after
 2 December 31, 1971, in the employ of an American employer (other
 3 than service which is deemed "employment" under the provisions of
 4 subsection (a), (b), or (e) or the parallel provisions of another state's
 5 law), if the following apply:

6 (1) The employer's principal place of business in the United States
 7 is located in this state.

8 (2) The employer has no place of business in the United States,
 9 but the employer is:

10 (A) an individual who is a resident of this state;

11 (B) a corporation which is organized under the laws of this
 12 state;

13 (C) a partnership, limited liability partnership, or a trust and
 14 the number of the partners or trustees who are residents of this
 15 state is greater than the number who are residents of any one
 16 (1) other state; or

17 (D) an association, a joint venture, an estate, a limited liability
 18 company, a joint stock company, or an insurance company
 19 (referred to as an "entity" in this clause), and either:

20 (i) the entity is organized under the laws of this state; or

21 (ii) the number of owners, members, or beneficiaries who
 22 are residents of this state is greater than the number who are
 23 residents of any one (1) other state.

24 (3) None of the criteria of subdivisions (1) and (2) is met but the
 25 employer has elected coverage in this state or, the employer
 26 having failed to elect coverage in any state, the individual has
 27 filed a claim for benefits, based on such service, under the law of
 28 this state.

29 (4) An "American employer," for purposes of this subsection,
 30 means:

31 (A) an individual who is a resident of the United States;

32 (B) a partnership or limited liability partnership, if two-thirds
 33 (2/3) or more of the partners are residents of the United States;

34 (C) a trust, if all of the trustees are residents of the United
 35 States; or

36 (D) a corporation, an association, a joint venture, an estate, a
 37 limited liability company, a joint stock company, or an
 38 insurance company organized or established under the laws of
 39 the United States or of any state.

40 (l) The term "employment" also includes the following:

41 (1) Service performed after December 31, 1977, by an individual
 42 in agricultural labor (as defined in section 3(c) of this chapter)



- 1 when the service is performed for an employing unit which:
- 2 (A) during any calendar quarter in either the current or
- 3 preceding calendar year paid cash remuneration of twenty
- 4 thousand dollars (\$20,000) or more to individuals employed in
- 5 agricultural labor; or
- 6 (B) for some portion of a day in each of twenty (20) different
- 7 calendar weeks, whether or not the weeks were consecutive, in
- 8 either the current or the preceding calendar year, employed in
- 9 agricultural labor ten (10) or more individuals, regardless of
- 10 whether they were employed at the same time.
- 11 (2) For the purposes of this subsection, any individual who is a
- 12 member of a crew furnished by a crew leader to perform service
- 13 in agricultural labor for any other person shall be treated as an
- 14 employee of the crew leader:
- 15 (A) if the crew leader holds a valid certificate of registration
- 16 under the Farm Labor Contractor Registration Act of 1963, or
- 17 substantially all the members of the crew operate or maintain
- 18 tractors, mechanized harvesting or crop dusting equipment, or
- 19 any other mechanized equipment, which is provided by the
- 20 crew leader; and
- 21 (B) if the individual is not an employee of another person
- 22 within the meaning of section 1 of this chapter.
- 23 (3) For the purposes of subdivision (1), in the case of an
- 24 individual who is furnished by a crew leader to perform service
- 25 in agricultural labor for any other person and who is not treated as
- 26 an employee of the crew leader under subdivision (2):
- 27 (A) the other person and not the crew leader shall be treated as
- 28 the employer of the individual; and
- 29 (B) the other person shall be treated as having paid cash
- 30 remuneration to the individual in an amount equal to the
- 31 amount of cash remuneration paid to the individual by the
- 32 crew leader (either on the individual's own behalf or on behalf
- 33 of the other person) for the service in agricultural labor
- 34 performed for the other person.
- 35 (4) For the purposes of this subsection, the term "crew leader"
- 36 means an individual who:
- 37 (A) furnishes individuals to perform service in agricultural
- 38 labor for any other person;
- 39 (B) pays (either on the individual's own behalf or on behalf of
- 40 the other person) the agricultural laborers furnished by the
- 41 individual for the service in agricultural labor performed by
- 42 them; and



- 1 (C) has not entered into a written agreement with the other
 2 person under which the individual is designated as an
 3 employee of the other person.
- 4 (m) The term "employment" includes domestic service after
 5 December 31, 1977, in a private home, local college club, or local
 6 chapter of a college fraternity or sorority performed for a person who
 7 paid cash remuneration of one thousand dollars (\$1,000) or more after
 8 December 31, 1977, in the current calendar year or the preceding
 9 calendar year to individuals employed in the domestic service in any
 10 calendar quarter.
- 11 SECTION 30. IC 22-4-8-3, AS AMENDED BY P.L.211-2019,
 12 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2023]: Sec. 3. "Employment" shall not include the
 14 following:
- 15 (1) Except as provided in section 2(i) of this chapter, service
 16 performed prior to January 1, 1978, in the employ of this state,
 17 any other state, any town or city, or political subdivision, or any
 18 instrumentality of any of them, other than service performed in
 19 the employ of a municipally owned public utility as defined in this
 20 article; or service performed in the employ of the United States of
 21 America, or an instrumentality of the United States immune under
 22 the Constitution of the United States from the contributions
 23 imposed by this article, except that to the extent that the Congress
 24 of the United States shall permit states to require any
 25 instrumentalities of the United States to make payments into an
 26 unemployment fund **or a reemployment assistance fund** under
 27 a state unemployment compensation statute **or a reemployment**
 28 **assistance statute**, all of the provisions of this article shall be
 29 applicable to such instrumentalities, in the same manner, to the
 30 same extent, and on the same terms as to all other employers,
 31 employing units, individuals, and services. However, if this state
 32 shall not be certified for any year by the Secretary of Labor under
 33 Section 3304 of the Internal Revenue Code the payments required
 34 of such instrumentalities with respect to that year shall be
 35 refunded by the commissioner from the fund in the same manner
 36 and within the same period as is provided in IC 22-4-32-19 with
 37 respect to contribution erroneously paid or wrongfully assessed.
- 38 (2) Service with respect to which unemployment compensation is
 39 payable under an unemployment compensation system
 40 established by an Act of Congress; however, the department is
 41 authorized to enter into agreements with the proper agencies
 42 under the Act of Congress which agreements shall become



1 effective ten (10) days after publication, in accordance with rules
 2 adopted by the department under IC 4-22-2, to provide reciprocal
 3 treatment to individuals who have, after acquiring potential rights
 4 to benefits under this article, acquired rights to unemployment
 5 compensation under the Act of Congress, or who have, after
 6 having acquired potential rights to unemployment compensation
 7 under the Act of Congress, acquired rights to benefits under this
 8 article.

9 (3) "Agricultural labor" as provided in section 2(l)(1) of this
 10 chapter shall include only services performed:

11 (A) on a farm, in the employ of any person, in connection with
 12 cultivating the soil or in connection with raising or harvesting
 13 any agricultural or horticultural commodity, including the
 14 raising, shearing, feeding, caring for, training, and
 15 management of livestock, bees, poultry, and furbearing
 16 animals and wildlife;

17 (B) in the employ of the owner or tenant or other operator of
 18 a farm, in connection with the operation, management,
 19 conservation, improvement, or maintenance of a farm and its
 20 tools and equipment, or in salvaging timber or clearing land of
 21 brush and other debris left by a hurricane, if the major part of
 22 the service is performed on a farm;

23 (C) in connection with the production or harvesting of any
 24 commodity defined as an agricultural commodity in Section
 25 15(g) of the Agricultural Marketing Act (12 U.S.C. 1141j(g))
 26 as amended, or in connection with the operation or
 27 maintenance of ditches, canals, reservoirs, or waterways, not
 28 owned or operated for profit, used exclusively for supplying
 29 and storing water for farming purposes;

30 (D) in the employ of:

31 (i) the operator of a farm in handling, planting, drying,
 32 packing, packaging, processing, freezing, grading, storing,
 33 or delivering to storage or to market or to a carrier for
 34 transportation to market, in its unmanufactured state, any
 35 agricultural or horticultural commodity; but only if the
 36 operator produced more than one-half (1/2) of the
 37 commodity with respect to which the service is performed;
 38 or

39 (ii) a group of operators of farms (or a cooperative
 40 organization of which such operators are members) in the
 41 performance of service described in item (i), but only if the
 42 operators produce more than one-half (1/2) of the



- 1 commodity with respect to which the service is performed;
 2 except the provisions of items (i) and (ii) shall not be deemed
 3 to be applicable with respect to service performed in
 4 connection with commercial canning or commercial freezing
 5 or in connection with any agricultural or horticultural
 6 commodity after its delivery to a terminal market for
 7 distribution for consumption; or
 8 (E) on a farm operated for profit if the service is not in the
 9 course of the employer's trade or business or is domestic
 10 service in a private home of the employer.
- 11 (4) As used in subdivision (3), "farm" includes stock, dairy,
 12 poultry, fruit, furbearing animals, and truck farms, nurseries,
 13 orchards, greenhouses, or other similar structures used primarily
 14 for the raising of agricultural or horticultural commodities.
- 15 (5) Domestic service in a private home, local college club, or
 16 local chapter of a college fraternity or sorority, except as provided
 17 in section 2(m) of this chapter.
- 18 (6) Service performed on or in connection with a vessel or aircraft
 19 not an American vessel or American aircraft, if the employee is
 20 employed on and in connection with the vessel or aircraft when
 21 outside the United States.
- 22 (7) Service performed by an individual in the employ of child or
 23 spouse, and service performed by a child under the age of
 24 twenty-one (21) in the employ of a parent.
- 25 (8) Service not in the course of the employing unit's trade or
 26 business performed in any calendar quarter by an individual,
 27 unless the cash remuneration paid for the service is fifty dollars
 28 (\$50) or more and the service is performed by an individual who
 29 is regularly employed by the employing unit to perform the
 30 service. For the purposes of this subdivision, an individual shall
 31 be deemed to be regularly employed to perform service not in the
 32 course of an employing unit's trade or business during a calendar
 33 quarter only if:
 34 (A) on each of some of twenty-four (24) days during the
 35 quarter that the individual performs the service for some
 36 portion of the day; or
 37 (B) the individual was regularly employed (as determined
 38 under clause (A)) by an employing unit in the performance of
 39 a service during the preceding calendar quarter.
- 40 (9) Service performed by an individual in any calendar quarter in
 41 the employ of any organization exempt from income tax under
 42 Section 501 of the Internal Revenue Code (except those services



- 1 included in sections 2(i) and 2(j) of this chapter) if the
 2 remuneration for the service is less than fifty dollars (\$50).
 3 (10) Service performed in the employ of a hospital, if the service
 4 is performed by a patient of the hospital.
 5 (11) Service performed in the employ of a school or eligible
 6 postsecondary educational institution if the service is performed:
 7 (A) by a student who is enrolled and is regularly attending
 8 classes at the school or eligible postsecondary educational
 9 institution; or
 10 (B) by the spouse of a student, if the spouse is advised, at the
 11 time the spouse commences to perform the service, that:
 12 (i) the employment of the spouse to perform the service is
 13 provided under a program to provide financial assistance to
 14 the student by the school or eligible postsecondary
 15 educational institution; and
 16 (ii) the employment will not be covered by any program of
 17 unemployment insurance **or reemployment assistance**.
 18 (12) Service performed by an individual who is enrolled at a
 19 nonprofit or public educational institution which normally
 20 maintains a regular faculty and curriculum and normally has a
 21 regularly organized body of students in attendance at the place
 22 where its educational activities are carried on as a student in a
 23 full-time program, taken for credit at the institution, which
 24 combines academic instruction with work experience, if the
 25 service is an integral part of the program, and the institution has
 26 so certified to the employer, except that this subdivision shall not
 27 apply to service performed in a program established for or on
 28 behalf of an employer or group of employers.
 29 (13) Service performed in the employ of a government foreign to
 30 the United States of America, including service as a consular or
 31 other officer or employee or a nondiplomatic representative.
 32 (14) Service performed in the employ of an instrumentality
 33 wholly owned by a government foreign to that of the United
 34 States of America, if the service is of a character similar to that
 35 performed in foreign countries by employees of the United States
 36 of America or of an instrumentality of the United States of
 37 America, and if the department finds that the Secretary of State of
 38 the United States has certified to the Secretary of the Treasury of
 39 the United States that the government, foreign to the United
 40 States, with respect to whose instrumentality exemption is
 41 claimed, grants an equivalent exemption with respect to similar
 42 service performed in such country by employees of the United



- 1 States and of instrumentalities of the United States.
- 2 (15) Service performed as a student nurse in the employ of a
3 hospital or nurses' training school by an individual who is
4 enrolled and is regularly attending classes in a nurses' training
5 school chartered or approved pursuant to state law; and service
6 performed as an intern in the employ of a hospital by an
7 individual who has completed a four (4) year course in a medical
8 school chartered or approved pursuant to state law.
- 9 (16) Service performed by an individual as an insurance producer
10 or as an insurance solicitor, if all service performed by the
11 individual is performed for remuneration solely by way of
12 commission.
- 13 (17) Service performed by an individual:
- 14 (A) under the age of eighteen (18) in the delivery or
15 distribution of newspapers or shopping news, not including
16 delivery or distribution to any point for subsequent delivery or
17 distribution; or
- 18 (B) in, and at the time of, the sale of newspapers or magazines
19 to ultimate consumers, under an arrangement under which the
20 newspapers or magazines are to be sold by the individual at a
21 fixed price, the individual's compensation being based on the
22 retention of the excess of the price over the amount at which
23 the newspapers or magazines are charged to the individual,
24 whether or not the individual is guaranteed a minimum amount
25 of compensation for the service, or is entitled to be credited
26 with the unsold newspapers or magazines turned back.
- 27 (18) Service performed in the employ of an international
28 organization to the extent the services are excluded from
29 employment under 26 CFR 31.3306(c)(16).
- 30 (19) Except as provided in IC 22-4-7-1, services covered by an
31 election duly approved by the agency charged with the
32 administration of any other state or federal unemployment
33 compensation law in accordance with an arrangement pursuant to
34 IC 22-4-22-1 through IC 22-4-22-5, during the effective period of
35 such election.
- 36 (20) If the service performed during one-half (1/2) or more of any
37 pay period by an individual for an employing unit constitutes
38 employment, all the services of the individual for the period shall
39 be deemed to be employment; but if the services performed
40 during more than one-half (1/2) of any pay period by an
41 individual do not constitute employment, then none of the
42 services of the individual for the period shall be deemed to be



1 employment. As used in this subdivision, "pay period" means a
 2 period of not more than thirty-one (31) consecutive days for
 3 which a payment of remuneration is ordinarily made to the
 4 individual by the employing unit. This subdivision shall not be
 5 applicable with respect to services performed in a pay period by
 6 any individual where any service is excepted by subdivision (2).

7 (21) Service performed by an inmate of a custodial or penal
 8 institution.

9 (22) Service performed as a precinct election officer (as defined
 10 in IC 3-5-2-40.1).

11 (23) Services performed by a direct seller:

12 (A) in the trade or business of:

13 (i) selling, or soliciting the sale of, consumer products or
 14 services to any buyer on a buy-sell basis,
 15 deposit-commission basis, or similar basis, in any place
 16 other than in a permanent retail establishment; or

17 (ii) selling, or soliciting the sale of, consumer products or
 18 services in any place other than in a permanent retail
 19 establishment;

20 (B) when substantially all the remuneration, whether or not
 21 paid in cash, for the performance of the services is directly
 22 related to sales or other output, including performance of
 23 services, rather than the number of hours worked; and

24 (C) when the services performed by the person are performed
 25 pursuant to a written contract and the contract provides that
 26 the person who performs the services will not be treated as an
 27 employee for tax purposes under the contract.

28 SECTION 31. IC 22-4-10-4.5, AS AMENDED BY P.L.183-2015,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2023]: Sec. 4.5. (a) This section applies to a calendar
 31 year that begins after December 31, 2010, to an employer:

32 (1) that is subject to this article for wages paid during the calendar
 33 year;

34 (2) whose contribution rate for the calendar year was determined
 35 under this chapter, IC 22-4-11, IC 22-4-11.5, or IC 22-4-37-3; and

36 (3) that:

37 (A) has been subject to this article during the preceding
 38 thirty-six (36) consecutive calendar months; and

39 (B) has had a payroll in each of the three (3) preceding twelve
 40 (12) month periods;

41 if, during the calendar year, the state is required to pay interest on the
 42 advances made to the state from the federal unemployment account in



1 the federal unemployment trust fund under 42 U.S.C. 1321.

2 (b) In addition to the contributions determined under this chapter,
3 IC 22-4-11, IC 22-4-11.5, or IC 22-4-37-3 for calendar year 2011, each
4 employer shall pay ~~an unemployment insurance~~ **a reemployment**
5 **assistance** surcharge that is equal to thirteen percent (13%) of the
6 employer's contribution determined under this chapter, IC 22-4-11,
7 IC 22-4-11.5, or IC 22-4-37-3 for the calendar year.

8 (c) For a calendar year that begins after December 31, 2011, in
9 which employers are required to pay the ~~unemployment insurance~~
10 **reemployment assistance** surcharge described in subsection (b), the
11 department shall determine, not later than January 31, the surcharge
12 percentage for that year based on factors that include:

13 (1) the interest rate charged the state for the year determined
14 under 42 U.S.C. 1322(b); and

15 (2) the state's outstanding loan balance to the federal
16 unemployment account on January 1 of the year.

17 (d) The ~~unemployment insurance~~ **reemployment assistance**
18 surcharge described in subsection (b) is payable to the department
19 quarterly at the same time as employer contributions are paid under
20 section 1 of this chapter. Failure to pay the ~~unemployment insurance~~
21 **reemployment assistance** surcharge as specified in this section is
22 considered a delinquency under IC 22-4-11-2.

23 (e) The department:

24 (1) may use amounts received under this section to pay interest on
25 the advances made to the state from the federal unemployment
26 account in the federal unemployment trust fund under 42 U.S.C.
27 1321; and

28 (2) shall deposit any amounts received under this section and not
29 used for the purposes described in subdivision (1) in the
30 ~~unemployment insurance~~ **reemployment assistance** benefit fund
31 established under IC 22-4-26.

32 (f) Amounts paid under this section and used as provided in
33 subsection (e)(1) do not affect and may not be charged to the
34 experience account of any employer. Amounts paid under this section
35 and used as provided in subsection (e)(2) must be subtracted from the
36 total amount of benefits charged to the fund under IC 22-4-11-1 in
37 determining each employer's share of those benefits under
38 IC 22-4-11-2(e).

39 SECTION 32. IC 22-4-10-4.6, AS ADDED BY P.L.2-2011,
40 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JANUARY 1, 2023]: Sec. 4.6. (a) The ~~unemployment insurance~~
42 **reemployment assistance** solvency fund is established for the purpose



1 of paying interest on the advances made to the state from the federal
 2 unemployment account in the federal unemployment trust fund under
 3 42 U.S.C. 1321. The fund shall be administered by the department.

4 (b) Money received by the department from the ~~unemployment~~
 5 **insurance reemployment assistance** surcharge that the department
 6 elects to use for the purposes described in section 4.5(e)(1) of this
 7 chapter shall be deposited in the fund for the purposes of the fund.

8 (c) The treasurer of state shall invest the money in the fund not
 9 currently needed to meet the obligations of the fund in the same
 10 manner as other public money may be invested. Interest that accrues
 11 from these investments shall be deposited at least quarterly in the fund.

12 (d) Money in the fund at the end of a state fiscal year does not revert
 13 to the state general fund.

14 SECTION 33. IC 22-4-11-0.1, AS ADDED BY P.L.220-2011,
 15 SECTION 364, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JANUARY 1, 2023]: Sec. 0.1. The amendments made
 17 to section 1 of this chapter by P.L.172-1991 apply to individuals who
 18 file a disaster unemployment claim or a state ~~unemployment insurance~~
 19 **reemployment assistance** claim after June 1, 1990, and before June 2,
 20 1991, or during a period to be determined by the general assembly.

21 SECTION 34. IC 22-4-11-1, AS AMENDED BY P.L.154-2013,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JANUARY 1, 2023]: Sec. 1. (a) For the purpose of charging employers'
 24 experience or reimbursable accounts with regular benefits paid
 25 subsequent to July 3, 1971, to any eligible individual but except as
 26 provided in IC 22-4-22 and subsection (f), such benefits paid shall be
 27 charged proportionately against the experience or reimbursable
 28 accounts of the individual's employers in the individual's base period
 29 (on the basis of total wage credits established in such base period)
 30 against whose accounts the maximum charges specified in this section
 31 shall not have been previously made. Such charges shall be made in the
 32 inverse chronological order in which the wage credits of such
 33 individuals were established. However, when an individual's claim has
 34 been computed for the purpose of determining the individual's regular
 35 benefit rights, maximum regular benefit amount, and the proportion of
 36 such maximum amount to be charged to the experience or reimbursable
 37 accounts of respective chargeable employers in the base period, the
 38 experience or reimbursable account of any employer charged with
 39 regular benefits paid shall not be credited or recredited with any
 40 portion of such maximum amount because of any portion of such
 41 individual's wage credits remaining uncharged at the expiration of the
 42 individual's benefit period. The maximum so charged against the



1 account of any employer shall not exceed twenty-eight percent (28%)
 2 of the total wage credits of such individual with each such employer
 3 with which wage credits were established during such individual's base
 4 period. Benefits paid under provisions of IC 22-4-22-3 in excess of the
 5 amount that the claimant would have been monetarily eligible for under
 6 other provisions of this article shall be paid from the fund and not
 7 charged to the experience account of any employer. This exception
 8 shall not apply to those employers electing to make payments in lieu of
 9 contributions who shall be charged for the full amount of regular
 10 benefit payments and the part of benefits not reimbursed by the federal
 11 government under the Federal-State Extended Unemployment
 12 Compensation Act of 1970 that are attributable to service in their
 13 employ. Irrespective of the twenty-eight percent (28%) maximum
 14 limitation provided for in this section, the part of benefits not
 15 reimbursed by the federal government under the Federal-State
 16 Extended Unemployment Compensation Act of 1970 paid to an eligible
 17 individual based on service with a governmental entity of this state or
 18 its political subdivisions shall be charged to the experience or
 19 reimbursable accounts of the employers, and the part of benefits not
 20 reimbursed by the federal government under the Federal-State
 21 Extended Unemployment Compensation Act of 1970 paid to an eligible
 22 individual shall be charged to the experience or reimbursable accounts
 23 of the individual's employers in the individual's base period, other than
 24 governmental entities of this state or its political subdivisions, in the
 25 same proportion and sequence as are provided in this section for
 26 regular benefits paid. Additional benefits paid under ~~IC 22-4-12-4(c)~~
 27 **IC 22-4-12-4(d)** and benefits paid under IC 22-4-15-1(c)(8) shall:

- 28 (1) be paid from the fund; and
 29 (2) not be charged to the experience account or the reimbursable
 30 account of any employer.

31 (b) If the aggregate of wages paid to an individual by two (2) or
 32 more employers during the same calendar quarter exceeds the
 33 maximum wage credits (as defined in IC 22-4-4-3) then the experience
 34 or reimbursable account of each such employer shall be charged in the
 35 ratio which the amount of wage credits from such employer bears to the
 36 total amount of wage credits during the base period.

37 (c) When wage records show that an individual has been employed
 38 by two (2) or more employers during the same calendar quarter of the
 39 base period but do not indicate both that such employment was
 40 consecutive and the order of sequence thereof, then and in such cases
 41 it shall be deemed that the employer with whom the individual
 42 established a plurality of wage credits in such calendar quarter is the



1 most recent employer in such quarter and its experience or
 2 reimbursable account shall be first charged with benefits paid to such
 3 individual. The experience or reimbursable account of the employer
 4 with whom the next highest amount of wage credits were established
 5 shall be charged secondly and the experience or reimbursable accounts
 6 of other employers during such quarters, if any, shall likewise be
 7 charged in order according to plurality of wage credits established by
 8 such individual.

9 (d) Except as provided in subsection (f) or section 1.5 of this
 10 chapter, if an individual:

11 (1) voluntarily leaves an employer without good cause in
 12 connection with the work; or

13 (2) is discharged from an employer for just cause;

14 wage credits earned with the employer from whom the employee has
 15 separated under these conditions shall be used to compute the
 16 claimant's eligibility for benefits, but charges based on such wage
 17 credits shall be paid from the fund and not charged to the experience
 18 account of any employer. However, this exception shall not apply to
 19 those employers who elect to make payments in lieu of contributions,
 20 who shall be charged for all benefit payments which are attributable to
 21 service in their employ.

22 (e) Any nonprofit organization which elects to make payments in
 23 lieu of contributions into the ~~unemployment~~ **reemployment assistance**
 24 compensation fund as provided in this article is not liable to make the
 25 payments with respect to the benefits paid to any individual whose base
 26 period wages include wages for previously uncovered services as
 27 defined in IC 22-4-4-4, nor is the experience account of any other
 28 employer liable for charges for benefits paid the individual to the extent
 29 that the ~~unemployment~~ **reemployment assistance** compensation fund
 30 is reimbursed for these benefits pursuant to Section 121 of P.L.94-566.
 31 Payments which otherwise would have been chargeable to the
 32 reimbursable or contributing employers shall be charged to the fund.

33 (f) If an individual:

34 (1) earns wages during the individual's base period through
 35 employment with two (2) or more employers concurrently;

36 (2) is separated from work by one (1) of the employers for reasons
 37 that would not result in disqualification under IC 22-4-15-1; and

38 (3) continues to work for one (1) or more of the other employers
 39 after the end of the base period and continues to work during the
 40 applicable benefit year on substantially the same basis as during
 41 the base period;

42 wage credits earned with the base period employers shall be used to



1 compute the claimant's eligibility for benefits, but charges based on the
 2 wage credits from the employer who continues to employ the individual
 3 shall be charged to the experience or reimbursable account of the
 4 separating employer.

5 (g) Subsection (f) does not affect the eligibility of a claimant who
 6 otherwise qualifies for benefits nor the computation of benefits.

7 (h) ~~Unemployment~~ **Reemployment assistance** benefits paid shall
 8 not be charged to the experience account of a base period employer
 9 when the claimant's unemployment from the employer was a direct
 10 result of the condemnation of property by a municipal corporation (as
 11 defined in IC 36-1-2-10), the state, or the federal government, a fire, a
 12 flood, or an act of nature, when at least fifty percent (50%) of the
 13 employer's employees, including the claimant, became unemployed as
 14 a result. This exception does not apply when the unemployment was an
 15 intentional result of the employer or a person acting on behalf of the
 16 employer.

17 SECTION 35. IC 22-4-11-1.5, AS AMENDED BY P.L.122-2019,
 18 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2023]: Sec. 1.5. (a) As used in this section, "erroneous
 20 payment" means a payment that would not have been made but for the
 21 failure by an employer or a person acting on behalf of the employer
 22 with respect to a claim for ~~unemployment~~ **reemployment assistance**
 23 benefits to which the payment relates.

24 (b) As used in this section, "pattern of failure" means a repeated and
 25 documented failure by an employer or a person acting on behalf of an
 26 employer to respond to requests for information made by the
 27 department, taking into consideration the number of failures in relation
 28 to the total number of requests received by the employer or the person
 29 acting on behalf of an employer.

30 (c) The experience account of an employer may not be relieved of
 31 charges for a benefit overpayment from the state's ~~unemployment~~
 32 **insurance reemployment assistance** benefit fund established by
 33 IC 22-4-26-1, if the department determines that:

34 (1) the erroneous payment was made because the employer or a
 35 person acting on behalf of the employer was at fault in failing to
 36 respond in a timely or adequate manner to the department's
 37 request for information relating to the claim for ~~unemployment~~
 38 **reemployment assistance** benefits; and

39 (2) the employer or a person acting on behalf of the employer has
 40 established a pattern of failure to respond in a timely or adequate
 41 manner to department requests described in subdivision (1).

42 SECTION 36. IC 22-4-11-2, AS AMENDED BY P.L.171-2016,



1 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2023]: Sec. 2. (a) Except as provided in IC 22-4-10-6
3 and IC 22-4-11.5, the department shall for each year determine the
4 contribution rate applicable to each employer.

5 (b) The balance shall include contributions with respect to the
6 period ending on the computation date and actually paid on or before
7 July 31 immediately following the computation date and benefits
8 actually paid on or before the computation date and shall also include
9 any voluntary payments made in accordance with IC 22-4-10-5 or
10 IC 22-4-10-5.5 (repealed):

11 (1) for each calendar year, an employer's rate shall be determined
12 in accordance with the rate schedules in section 3.3 or 3.5 of this
13 chapter; and

14 (2) for each calendar year, an employer's rate shall be two and
15 five-tenths percent (2.5%), except as otherwise provided in
16 subsection (g) or IC 22-4-37-3, unless:

17 (A) the employer has been subject to this article throughout
18 the thirty-six (36) consecutive calendar months immediately
19 preceding the computation date;

20 (B) there has been some annual payroll in each of the three (3)
21 twelve (12) month periods immediately preceding the
22 computation date; and

23 (C) the employer has properly filed all required contribution
24 and wage reports, and all contributions, penalties, and interest
25 due and owing by the employer or the employer's predecessors
26 have been paid.

27 (c) In addition to the conditions and requirements set forth and
28 provided in subsection (b)(2)(A), (b)(2)(B), and (b)(2)(C), an
29 employer's rate is equal to the sum of the employer's contribution rate
30 determined or estimated by the department under this article plus two
31 percent (2%) unless all required contributions and wage reports have
32 been filed within thirty-one (31) days following the computation date
33 and all contributions, penalties, and interest due and owing by the
34 employer or the employer's predecessor for periods before and
35 including the computation date have been paid:

36 (1) within thirty-one (31) days following the computation date; or

37 (2) within ten (10) days after the department has given the
38 employer a written notice by registered mail to the employer's last
39 known address of:

40 (A) the delinquency; or

41 (B) failure to file the reports;

42 whichever is the later date. The department or the department's



1 designee may waive the imposition of rates under this subsection if the
 2 department finds the employer's failure to meet the deadlines was for
 3 excusable cause. The department shall give written notice to the
 4 employer before this additional condition or requirement shall apply.
 5 An employer's rate under this subsection may not exceed twelve
 6 percent (12%).

7 (d) However, if the employer is the state or a political subdivision
 8 of the state or any instrumentality of a state or a political subdivision,
 9 or any instrumentality which is wholly owned by the state and one (1)
 10 or more other states or political subdivisions, the employer may
 11 contribute at a rate of one and six-tenths percent (1.6%) until it has
 12 been subject to this article throughout the thirty-six (36) consecutive
 13 calendar months immediately preceding the computation date.

14 (e) On the computation date every employer who had taxable wages
 15 in the previous calendar year shall have the employer's experience
 16 account charged with the amount determined under the following
 17 formula:

18 STEP ONE: Divide:

19 (A) the employer's taxable wages for the preceding calendar
 20 year; by

21 (B) the total taxable wages for the preceding calendar year.

22 STEP TWO: Subtract:

23 (A) the amount described in IC 22-4-10-4.5(e)(2), if any; from

24 (B) the total amount of benefits charged to the fund under
 25 section 1 of this chapter.

26 STEP THREE: Multiply the quotient determined under STEP
 27 ONE by the difference determined under STEP TWO.

28 (f) One (1) percentage point of the rate imposed under subsection
 29 (c), or the amount of the employer's payment that is attributable to the
 30 increase in the contribution rate, whichever is less, shall be imposed as
 31 a penalty that is due and shall be deposited upon collection into the
 32 special employment and training services fund established under
 33 IC 22-4-25-1. The remainder of the contributions paid by an employer
 34 pursuant to the maximum rate shall be:

35 (1) considered a contribution for the purposes of this article; and

36 (2) deposited in the ~~unemployment insurance~~ **reemployment**
 37 **assistance** benefit fund established under IC 22-4-26.

38 (g) Except as otherwise provided in IC 22-4-37-3, this subsection,
 39 instead of subsection (b)(2), applies to an employer in the construction
 40 industry. As used in the subsection, "construction industry" means
 41 business establishments whose proper primary classification in the
 42 current edition of the North American Industry Classification System



1 Manual - United States, published by the National Technical
 2 Information Service of the United States Department of Commerce is
 3 23 (construction). For each calendar year beginning after December 31,
 4 2013, an employer's rate shall be equal to the lesser of four percent
 5 (4%) or the average of the contribution rates paid by all employers in
 6 the construction industry subject to this article during the twelve (12)
 7 months preceding the computation date, unless:

- 8 (1) the employer has been subject to this article throughout the
 9 thirty-six (36) consecutive calendar months immediately
 10 preceding the computation date;
 11 (2) there has been some annual payroll in each of the three (3)
 12 twelve (12) month periods immediately preceding the
 13 computation date; and
 14 (3) the employer has properly filed all required contribution and
 15 wage reports, and all contributions, penalties, and interest due and
 16 owing by the employer or the employer's predecessors have been
 17 paid.

18 SECTION 37. IC 22-4-11.5-9, AS AMENDED BY P.L.108-2006,
 19 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JANUARY 1, 2023]: Sec. 9. (a) A person who knowingly or recklessly:

- 21 (1) violates or attempts to violate:
 22 (A) section 7 or 8 of this chapter; or
 23 (B) any other provision of this article related to determining
 24 the assumption or assignment of an employer's contribution
 25 rate; or
 26 (2) advises another person in a way that results in a violation of:
 27 (A) section 7 or 8 of this chapter; or
 28 (B) any other provision of this article related to determining
 29 the assumption or assignment of an employer's contribution
 30 rate;

31 is subject to a civil penalty under this chapter.

32 (b) If the department determines that an employer (as defined under
 33 IC 22-4-7) is subject to a civil penalty under subsection (a)(1), the
 34 department shall assign an employer contribution rate equal to one (1)
 35 of the following as a civil penalty:

- 36 (1) The highest employer contribution rate assignable under this
 37 article for the year in which the violation occurred and the
 38 following three (3) years.
 39 (2) An additional employer contribution rate of two percent (2%)
 40 of the employer's taxable wages (as defined in IC 22-4-4-2) for
 41 the year in which the violation occurred and the following three
 42 (3) years, if:



1 (A) an employer is already paying the highest employer
2 contribution rate at the time of the violation; or

3 (B) the increase in the contribution rate described in
4 subdivision (1) is less than two percent (2%).

5 (c) If the department determines that a person who is not an
6 employer (as defined in IC 22-4-7) is subject to a civil penalty under
7 subsection (a)(2), the department shall assess a civil penalty of not
8 more than five thousand dollars (\$5,000).

9 (d) All civil penalties collected under this section shall be deposited
10 in the ~~unemployment insurance~~ **reemployment assistance** benefit fund
11 established by IC 22-4-26-1.

12 (e) Any written determination made by the department is conclusive
13 and binding on the employing unit, employer, or person unless the
14 employing unit, employer, or person files a written protest with the
15 department setting forth all reasons for the protest. A protest under this
16 section must be filed not later than fifteen (15) days after the date the
17 department sends the initial determination to the employing unit,
18 employer, or person. The protest shall be heard and determined under
19 this section and IC 22-4-32-1 through IC 22-4-32-15. The employing
20 unit, employer, or person, and the department shall be parties to the
21 hearing before the liability administrative law judge and are entitled to
22 receive copies of all pleadings and the decision.

23 SECTION 38. IC 22-4-12-0.1, AS ADDED BY P.L.220-2011,
24 SECTION 365, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JANUARY 1, 2023]: Sec. 0.1. The amendments made
26 to section 4 of this chapter by P.L.172-1991 apply to individuals who
27 file a disaster unemployment claim or a state ~~unemployment insurance~~
28 **reemployment assistance** claim after June 1, 1990, and before June 2,
29 1991, or during a period to be determined by the general assembly.

30 SECTION 39. IC 22-4-12-1, AS AMENDED BY P.L.108-2006,
31 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JANUARY 1, 2023]: Sec. 1. Benefits designated as ~~unemployment~~
33 **insurance reemployment assistance** benefits shall become payable
34 from the fund to any individual who is or becomes unemployed and
35 eligible for benefits under the terms of this article. All benefits shall be
36 paid through the department or such other agencies as the department
37 by rule may designate at such times and in such manner as the
38 department may prescribe. The department may adopt rules to provide
39 for the payment of benefits due and payable on executed vouchers to
40 persons since deceased; benefits so due and payable may be paid to the
41 legal representative, dependents, or next of kin of the deceased as are
42 found to be entitled thereto, which rules need not conform with the



1 laws of the state governing decedent estates, and every such payment
 2 shall be deemed a valid payment to the same extent as if made to the
 3 legal representative of the deceased.

4 SECTION 40. IC 22-4-12-4, AS AMENDED BY P.L.171-2016,
 5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JANUARY 1, 2023]: Sec. 4. (a) Benefits shall be computed upon the
 7 basis of wage credits of an individual in the individual's base period.
 8 Wage credits shall be reported by the employer and credited to the
 9 individual in the manner prescribed by the department. With respect to
 10 initial claims filed for any week beginning on and after July 7, 1991,
 11 **and before January 1, 2023**, the maximum total amount of benefits
 12 payable to any eligible individual during any benefit period shall not
 13 exceed twenty-six (26) times the individual's weekly benefit, or
 14 twenty-eight percent (28%) of the individual's wage credits with
 15 respect to the individual's base period, whichever is less. If such
 16 maximum total amount of benefits is not a multiple of one dollar (\$1),
 17 it shall be computed to the next lower multiple of one dollar (\$1).

18 **(b) With respect to initial claims filed for any week beginning on**
 19 **and after January 1, 2023, the maximum total amount of benefits**
 20 **payable to any eligible individual during any benefit period shall**
 21 **not exceed:**

22 **(1) twelve (12) times the individual's weekly benefit if the state**
 23 **average unemployment rate is not more than five and**
 24 **five-tenths percent (5.5%);**

25 **(2) thirteen (13) times the individual's weekly benefit if the**
 26 **state average unemployment rate is greater than five and**
 27 **five-tenths percent (5.5%) but not more than six percent**
 28 **(6%);**

29 **(3) fourteen (14) times the individual's weekly benefit if the**
 30 **state average unemployment rate is greater than six percent**
 31 **(6%) but not more than six and five-tenths percent (6.5%);**

32 **(4) fifteen (15) times the individual's weekly benefit if the state**
 33 **average unemployment rate is greater than six and five-tenths**
 34 **percent (6.5%) but not more than seven percent (7%);**

35 **(5) sixteen (16) times the individual's weekly benefit if the**
 36 **state average unemployment rate is greater than seven**
 37 **percent (7%) but not more than seven and five-tenths percent**
 38 **(7.5%);**

39 **(6) seventeen (17) times the individual's weekly benefit if the**
 40 **state average unemployment rate is greater than seven and**
 41 **five-tenths percent (7.5%) but not more than eight percent**
 42 **(8%);**



1 **(7) eighteen (18) times the individual's weekly benefit if the**
 2 **state average unemployment rate is greater than eight percent**
 3 **(8%) but not more than eight and five-tenths percent (8.5%);**
 4 **(8) nineteen (19) times the individual's weekly benefit if the**
 5 **state average unemployment rate is greater than eight and**
 6 **five-tenths percent (8.5%) but not more than nine percent**
 7 **(9%); or**
 8 **(9) twenty (20) times the individual's weekly benefit if the**
 9 **state average unemployment rate is greater than nine percent**
 10 **(9%).**

11 ~~(b)~~ **(c)** Except as provided in subsection ~~(d)~~; **(e)**, the total extended
 12 benefit amount payable to any eligible individual with respect to the
 13 individual's applicable benefit period shall be fifty percent (50%) of the
 14 total amount of regular benefits (including dependents' allowances)
 15 which were payable to the individual under this article in the applicable
 16 benefit year, or thirteen (13) times the weekly benefit amount
 17 (including dependents' allowances) which was payable to the individual
 18 under this article for a week of total unemployment in the applicable
 19 benefit year, whichever is the lesser amount.

20 ~~(c)~~ **(d)** This subsection applies to individuals who file a disaster
 21 unemployment claim or a state ~~unemployment insurance~~
 22 **reemployment assistance** claim after June 1, 1990, and before June 2,
 23 1991, or during another time specified in another state statute. An
 24 individual is entitled to thirteen (13) weeks of additional benefits, as
 25 originally determined, if:

- 26 (1) the individual has established:
- 27 (A) a disaster unemployment claim under the Stafford Disaster
 - 28 Relief and Emergency Assistance Act; or
 - 29 (B) a state ~~unemployment insurance~~ **reemployment**
 - 30 **assistance** claim as a direct result of a major disaster;
- 31 (2) all regular benefits and all disaster unemployment assistance
- 32 benefits:
- 33 (A) have been exhausted by the individual; or
 - 34 (B) are no longer payable to the individual due to the
 - 35 expiration of the disaster assistance period; and
- 36 (3) the individual remains unemployed as a direct result of the
- 37 disaster.

38 ~~(d)~~ **(e)** For purposes of this subsection, "high unemployment period"
 39 means a period during which an extended benefit period would be in
 40 effect if IC 22-4-2-34(d)(1) were applied by substituting "eight percent
 41 (8%)" for "six and five-tenths percent (6.5%)". Effective with respect
 42 to weeks beginning in a high unemployment period, the total extended



1 benefit amount payable to an eligible individual with respect to the
2 applicable benefit year is equal to the least of the following amounts:

3 (1) Eighty percent (80%) of the total amount of regular benefits
4 that were payable to the eligible individual under this article in
5 the applicable benefit year.

6 (2) Twenty (20) times the weekly benefit amount that was payable
7 to the eligible individual under this article for a week of total
8 unemployment in the applicable benefit year.

9 (3) Forty-six (46) times the weekly benefit amount that was
10 payable to the eligible individual under this article for a week of
11 total unemployment in the applicable benefit year, reduced by the
12 regular ~~unemployment compensation~~ **reemployment assistance**
13 benefits paid (or deemed paid) during the benefit year.

14 This subsection expires on the later of December 5, 2009, or the week
15 ending four (4) weeks before the last week for which federal sharing is
16 authorized by Section 2005(a) of Division B, Title II (the federal
17 Assistance to Unemployed Workers and Struggling Families Act) of
18 the federal American Recovery and Reinvestment Act of 2009 (P.L.
19 111-5).

20 ~~(e)~~ **(f)** For purposes of this subsection, "high unemployment period"
21 means a period during which an extended benefit period would be in
22 effect if IC 22-4-2-34(n)(1) were applied by substituting "eight percent
23 (8%)" for "six and one-half percent (6.5%)". Effective with respect to
24 weeks of unemployment beginning after March 1, 2011, and ending on
25 the later of December 10, 2011, or the week ending four (4) weeks
26 before the last week for which federal sharing is authorized by Section
27 2005(a) of Division B, Title II (the federal Assistance to Unemployed
28 and Struggling Families Act) of the federal American Recovery and
29 Reinvestment Act of 2009 (P.L. 111-5), in a high unemployment
30 period, the total extended benefit amount payable to an eligible
31 individual with respect to the applicable benefit year is equal to the
32 lesser of the following amounts:

33 (1) Eighty percent (80%) of the total amount of regular benefits
34 that were payable to the eligible individual under this article in
35 the applicable benefit year.

36 (2) Twenty (20) times the weekly benefit amount that was payable
37 to the eligible individual under this article for a week of total
38 unemployment in the applicable benefit year.

39 SECTION 41. IC 22-4-13-1, AS AMENDED BY P.L.34-2021,
40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JANUARY 1, 2023]: Sec. 1. (a) Whenever an individual receives
42 benefits or extended benefits to which the individual is not entitled



1 under this article or the unemployment insurance law of the United
 2 States, the department shall establish that an overpayment has occurred
 3 by issuing a determination of eligibility and shall establish the amount
 4 of the overpayment. For an overpayment described in:

5 (1) subsections (c) and (d), the department has four (4) years from
 6 the date of the department's discovery of the overpayment to send
 7 notification to the individual of possible overpayment; and

8 (2) subsection (e), the department has four (4) years from the date
 9 of the overpayment to send notification to the individual of
 10 possible overpayment.

11 (b) An individual described in subsection (a) is liable to repay the
 12 established amount of the overpayment.

13 (c) Any individual who knowingly:

14 (1) fails to disclose amounts earned during any week in the
 15 individual's waiting period, benefit period, or extended benefit
 16 period;

17 (2) fails, or causes another to fail, to disclose a material fact; or

18 (3) falsifies, or causes another to falsify, a material fact;

19 that would disqualify the individual for benefits, reduce the individual's
 20 benefits, or render the individual ineligible for benefits or extended
 21 benefits, and as a result thereof has received any amount as benefits to
 22 which the individual is not entitled under this article, shall be liable to
 23 repay such amount, with interest at the rate of one-half percent (0.5%)
 24 per month, to the department for the ~~unemployment insurance~~
 25 **reemployment assistance** benefit fund or to have such amount
 26 deducted from any benefits otherwise payable to the individual under
 27 this article.

28 (d) Any individual who fails to report wages received during a week
 29 in which benefits were paid or because of the subsequent receipt of
 30 income deductible from benefits which is allocable to the week or
 31 weeks for which benefits were paid and as a result is not entitled to
 32 such benefits under this article shall be liable to repay such amount to
 33 the department for the ~~unemployment insurance~~ **reemployment**
 34 **assistance** benefit fund or to have such amount deducted from any
 35 benefits otherwise payable to the individual under this article.

36 (e) An individual who for any reason not described in subsection (c)
 37 or (d) has received any amount as benefits to which the individual is
 38 not entitled under this article is liable to repay that amount to the
 39 department for the ~~unemployment insurance~~ **reemployment assistance**
 40 benefit fund or to have that amount deducted from any benefits
 41 otherwise payable to the individual under this article.

42 (f) When benefits are paid to an individual who was eligible or



1 qualified to receive such payments, but when such payments are made
 2 because of the failure of representatives or employees of the
 3 department to transmit or communicate to such individual notice of
 4 suitable work offered, through the department, to such individual by an
 5 employing unit, then and in such cases, the individual shall not be
 6 required to repay or refund amounts so received, but such payments
 7 shall be deemed to be benefits improperly paid.

8 (g) Where it is finally determined by a deputy, an administrative law
 9 judge, the review board, or a court of competent jurisdiction that an
 10 individual has received benefits to which the individual is not entitled
 11 under this article, the department shall relieve the affected employer's
 12 experience account of any benefit charges directly resulting from such
 13 overpayment, except as provided under IC 22-4-11-1.5. However, an
 14 employer's experience account will not be relieved of the charges
 15 resulting from an overpayment of benefits which has been created by
 16 a retroactive payment by such employer directly or indirectly to the
 17 claimant for a period during which the claimant claimed and was paid
 18 benefits unless the employer reports such payment by the end of the
 19 calendar quarter following the calendar quarter in which the payment
 20 was made or unless and until the overpayment has been collected.
 21 Those employers electing to make payments in lieu of contributions
 22 shall not have their account relieved as the result of any overpayment
 23 unless and until such overpayment has been repaid to the
 24 ~~unemployment insurance~~ **reemployment assistance** benefit fund.

25 (h) Where any individual is liable to repay any amount to the
 26 department for the ~~unemployment insurance~~ **reemployment assistance**
 27 benefit fund for the restitution of benefits to which the individual is not
 28 entitled under this article, the amount due may be collectible without
 29 interest, except as otherwise provided in subsection (c), by civil action
 30 in the name of the state of Indiana, on relation of the department, which
 31 remedy by civil action shall be in addition to all other existing remedies
 32 and to the methods for collection provided in this article. The
 33 department must commence a civil action as described in this
 34 subsection not later than ten (10) years following the date the
 35 determination of eligibility becomes final, including the exhaustion of
 36 all appeals.

37 (i) Liability for repayment of benefits paid to an individual (other
 38 than an individual employed by an employer electing to make payments
 39 in lieu of contributions) for any week may be waived upon the request
 40 of the individual if:

- 41 (1) the benefits were received by the individual without fault of
 42 the individual;



1 (2) the benefits were the result of payments made:

2 (A) during the pendency of an appeal before an administrative
3 law judge or the review board under IC 22-4-17 under which
4 the individual is determined to be ineligible for benefits; or

5 (B) because of an error by the employer or the department; and

6 (3) repayment would cause economic hardship to the individual.

7 SECTION 42. IC 22-4-13-1.1, AS AMENDED BY P.L.34-2021,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JANUARY 1, 2023]: Sec. 1.1. (a) Notwithstanding any other
10 provisions of this article, if an individual knowingly:

11 (1) fails to disclose amounts earned during any week in the
12 individual's waiting period, benefit period, or extended benefit
13 period;

14 (2) fails, or causes another to fail, to disclose a material fact; or

15 (3) falsifies, or causes another to falsify, a material fact;

16 that would disqualify the individual for benefits, reduce the individual's
17 benefits, or render the individual ineligible for benefits or extended
18 benefits, the individual forfeits any wage credits earned, regardless of
19 whether benefits were paid, and any benefits or extended benefits that
20 might otherwise be payable to the individual for any week in which the
21 failure to disclose or falsification occurred.

22 (b) In addition to the wage credits and amounts forfeited under
23 subsection (a), an individual is subject to the following civil penalties
24 for each instance in which the individual knowingly fails to disclose or
25 falsifies any fact that if accurately reported to the department would
26 disqualify the individual for benefits, reduce the individual's benefits,
27 or render the individual ineligible for benefits or extended benefits:

28 (1) For the first instance, an amount equal to twenty-five percent
29 (25%) of the benefit overpayment.

30 (2) For the second instance, an amount equal to fifty percent
31 (50%) of the benefit overpayment.

32 (3) For the third and each subsequent instance, an amount equal
33 to one hundred percent (100%) of the benefit overpayment.

34 (c) The department's determination under this section constitutes an
35 initial determination under IC 22-4-17-2(a) and is subject to a hearing
36 and review under IC 22-4-17-3 through IC 22-4-17-15.

37 (d) Interest and civil penalties collected under this chapter shall be
38 deposited as follows:

39 (1) Fifteen percent (15%) of the amount collected shall be
40 deposited in the ~~unemployment insurance~~ **reemployment**
41 **assistance** benefit fund established under IC 22-4-26-1.

42 (2) The remainder of the amount collected shall be deposited in



- 1 the special employment and training services fund established
2 under IC 22-4-25-1.
- 3 SECTION 43. IC 22-4-13.3-8, AS AMENDED BY P.L.66-2018,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2023]: Sec. 8. (a) An individual who receives a notice
6 under section 2 of this chapter may contest the withholding and assert
7 exemptions by requesting, in writing, not later than fifteen (15) days
8 after the date on the notice, an administrative hearing by an
9 administrative law judge of the department.
- 10 (b) An administrative hearing under this section may be conducted
11 in either of the following ways:
- 12 (1) As a written records or "paper" hearing conducted by review
13 of written materials and other records.
- 14 (2) As a telephone or in person hearing conducted by review of
15 written materials and testimony.
- 16 (c) An individual who contests an income withholding is entitled to:
- 17 (1) an opportunity to inspect and copy records relating to the
18 overpayment;
- 19 (2) an opportunity to enter into a written agreement with the
20 department to establish a schedule for repayment of the
21 overpayment; and
- 22 (3) an opportunity for an administrative hearing conducted by an
23 administrative law judge of the department.
- 24 (d) An individual may contest an income withholding on the
25 following grounds:
- 26 (1) That the existence, past due status, or the amount of the
27 overpayment is incorrect.
- 28 (2) That the amount withheld was incorrectly calculated.
- 29 (3) That the overpayment is unenforceable as a matter of law.
- 30 (e) The department is not required to provide more than one (1)
31 hearing based on the same grounds or objections. If:
- 32 (1) the department has already provided a hearing on the
33 existence or the amount of the overpayment; and
- 34 (2) the employee does not have new evidence concerning the
35 overpayment;
- 36 the department may not repeat the hearing on the existence or amount
37 of the overpayment.
- 38 (f) The department's evidence concerning the existence, past due
39 status, and amount of the overpayment is automatically admitted as
40 evidence in the administrative hearing and must be considered by the
41 administrative law judge.
- 42 (g) An individual who receives an adverse decision following an



1 administrative hearing under this section may submit, not later than
 2 fifteen (15) days after the date of the decision, a request in writing to
 3 the commissioner that the commissioner or the commissioner's
 4 designee review the decision in the manner prescribed by the
 5 department. If the commissioner appoints a designee to review the
 6 decision, the commissioner shall not appoint as a designee an employee
 7 of the department's ~~unemployment insurance~~ **reemployment**
 8 **assistance** program. The decision of the commissioner or the
 9 commissioner's designee under this subsection is final.

10 SECTION 44. IC 22-4-15-5, AS AMENDED BY P.L.86-2018,
 11 SECTION 190, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JANUARY 1, 2023]: Sec. 5. Except as provided in
 13 IC 22-4-22, an individual shall be ineligible for waiting period or
 14 benefit rights: For any week with respect to which or a part of which
 15 the individual receives, is receiving, has received or is seeking
 16 unemployment **or reemployment assistance** benefits under an
 17 unemployment compensation law **or reemployment assistance law** of
 18 another state or of the United States: Provided, That this
 19 disqualification shall not apply if the appropriate agency of such other
 20 state or of the United States finally determines that the individual is not
 21 entitled to such ~~employment~~ benefits, including benefits to federal
 22 civilian employees and ex-servicemen pursuant to 5 U.S.C. Chapter 85.

23 SECTION 45. IC 22-4-17-2.5, AS AMENDED BY P.L.197-2016,
 24 SECTION 118, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JANUARY 1, 2023]: Sec. 2.5. (a) When an individual
 26 files an initial claim, the individual shall be advised of the following:

- 27 (1) ~~Unemployment~~ **Reemployment assistance** compensation is
 28 subject to federal, state, and local income taxes.
- 29 (2) Requirements exist concerning estimated tax payments.
- 30 (3) The individual may elect to have income taxes withheld from
 31 the individual's payment of ~~unemployment~~ **reemployment**
 32 **assistance** compensation. If an election is made, the department
 33 shall withhold federal income tax at the applicable rate provided
 34 in the Internal Revenue Code.
- 35 (4) After December 31, 2011, the individual may elect to have
 36 state adjusted gross income tax imposed under IC 6-3 and the
 37 local income tax imposed under IC 6-3.6 deducted and withheld
 38 from the individual's payment of ~~unemployment~~ **reemployment**
 39 **assistance** compensation. If an election is made, the department
 40 shall withhold state adjusted gross income tax imposed under
 41 IC 6-3 and the local income tax imposed under IC 6-3.6 at the
 42 applicable rate prescribed in withholding instructions issued by



1 the department of state revenue.

2 (5) An individual is allowed to change an election made under
3 this section.

4 (b) Money withheld from ~~unemployment~~ **reemployment assistance**
5 compensation under this section shall remain in the ~~unemployment~~
6 **reemployment assistance** fund until transferred to the federal taxing
7 authority or the state (as appropriate) for payment of income taxes.

8 (c) The commissioner shall follow all procedures of the United
9 States Department of Labor, the Internal Revenue Service, and the
10 department of state revenue concerning the withholding of income
11 taxes.

12 (d) Money shall be deducted and withheld in accordance with the
13 priorities established in regulations developed by the commissioner.

14 SECTION 46. IC 22-4-17-4, AS AMENDED BY P.L.175-2009,
15 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2023]: Sec. 4. (a) The department shall employ one (1)
17 or more administrative law judges to hear and decide disputed claims.
18 Administrative law judges employed under this section are not subject
19 to IC 4-21.5 or any other statute regulating administrative law judges,
20 unless specifically provided.

21 (b) The department shall provide at least annually to all
22 administrative law judges, review board members, and other
23 individuals who adjudicate claims training concerning:

- 24 (1) ~~unemployment~~ **reemployment assistance** compensation law;
25 (2) rules for the conduct of hearings and appeals; and
26 (3) rules of conduct for administrative law judges, review board
27 members, and other individuals who adjudicate claims during a
28 hearing or other adjudicative process.

29 (c) The department regularly shall monitor the hearings and
30 decisions of its administrative law judges, review board members, and
31 other individuals who adjudicate claims to ensure that the hearings and
32 decisions strictly comply with the law and the rules described in
33 subsection (b).

34 (d) An individual who does not strictly comply with the law and the
35 rules described in subsection (b), including the rules of conduct for
36 administrative law judges, review board members, and other
37 individuals who adjudicate claims during a hearing or other
38 adjudicative process, is subject to disciplinary action by the
39 department, up to and including suspension from or termination of
40 employment.

41 SECTION 47. IC 22-4-18-1, AS AMENDED BY P.L.177-2017,
42 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2023]: Sec. 1. (a) There is created a department under
 2 IC 22-4.1-2-1 which shall be known as the department of workforce
 3 development.

4 (b) The department of workforce development may do the
 5 following:

6 (1) Administer the ~~unemployment insurance~~ **reemployment**
 7 **assistance** program.

8 (2) Enter into agreements with the United States government that
 9 may be required as a condition of obtaining federal funds related
 10 to activities of the department under this article.

11 (3) Enter into contracts or agreements and cooperate with local
 12 governmental units or corporations, including profit or nonprofit
 13 corporations, or combinations of units and corporations to carry
 14 out the duties of the department imposed by this article, including
 15 contracts for the delegation of the department's administrative,
 16 monitoring, and program responsibilities and duties set forth in
 17 this article.

18 (c) The payment of ~~unemployment insurance~~ **reemployment**
 19 **assistance** benefits must be made in accordance with 26 U.S.C. 3304.

20 (d) The department of workforce development may do all acts and
 21 things necessary or proper to carry out the powers expressly granted
 22 under this article, including the adoption of rules under IC 4-22-2.

23 (e) The department of workforce development may not charge any
 24 claimant for benefits for providing services under this article, except as
 25 provided in IC 22-4-17-12.

26 (f) The department of workforce development shall do the
 27 following:

28 (1) Submit a report to the general assembly in an electronic
 29 format under IC 5-14-6 and to the governor before December 1 of
 30 each year concerning the status of the ~~unemployment~~
 31 **reemployment assistance** compensation system, including the
 32 following:

33 (A) Recommendations for maintaining the solvency of the
 34 ~~unemployment insurance~~ **reemployment assistance** benefit
 35 fund established under IC 22-4-26-1.

36 (B) Information regarding expenditures from the special
 37 employment and training services fund.

38 (C) Information regarding money released under
 39 IC 22-4-25-1(c).

40 (2) Make a presentation before November 1 of each year to the
 41 interim study committee on employment and labor (established
 42 under IC 2-5-1.3-4) concerning the status of the ~~unemployment~~



1 **reemployment assistance** compensation system, including the
2 following:

3 (A) Recommendations for maintaining the solvency of the
4 ~~unemployment insurance~~ **reemployment assistance** benefit
5 fund established under IC 22-4-26-1.

6 (B) Information regarding expenditures from the special
7 employment and training services fund.

8 (C) Information regarding money released under
9 IC 22-4-25-1(c).

10 (D) Any other information requested by the interim study
11 committee on employment and labor.

12 (g) In addition to the duties prescribed in subsections (a) through (f),
13 the department of workforce development shall establish, implement,
14 and maintain a training program in the nature and dynamics of
15 domestic and family violence for training of all employees of the
16 department who interact with a claimant for benefits to determine
17 whether the claim of the individual for ~~unemployment~~ **reemployment**
18 **assistance** benefits is valid and to determine that employment
19 separations stemming from domestic or family violence are reliably
20 screened, identified, and adjudicated and that victims of domestic or
21 family violence are able to take advantage of the full range of job
22 services provided by the department. The training presenters shall
23 include domestic violence experts with expertise in the delivery of
24 direct services to victims of domestic violence, including using the staff
25 of shelters for battered women in the presentation of the training. The
26 initial training shall consist of instruction of not less than six (6) hours.
27 Refresher training shall be required annually and shall consist of
28 instruction of not less than three (3) hours.

29 SECTION 48. IC 22-4-18-4, AS AMENDED BY P.L.175-2009,
30 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JANUARY 1, 2023]: Sec. 4. The department of workforce
32 development established under IC 22-4.1-2-1 shall administer job
33 training and placement services and ~~unemployment insurance~~.
34 **reemployment assistance**.

35 SECTION 49. IC 22-4-18-4.5 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 4.5. (a) Before
37 March 1 of each year, the department shall determine the number of
38 claims filed, the number of individuals entitled to receive
39 ~~unemployment~~ **reemployment assistance** benefits under this article,
40 and the amount of benefits charged to the fund for those individuals
41 who qualified for benefits due to:

42 (1) discharge; or



1 (2) leaving employment;
2 for circumstances resulting from domestic or family violence.

3 (b) The department shall submit its determination from the prior
4 calendar year to the legislative council before June 30 of each year.

5 SECTION 50. IC 22-4-19-1, AS AMENDED BY P.L.171-2016,
6 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2023]: Sec. 1. The department shall have the power and
8 authority to adopt, amend, or rescind such rules and regulations to
9 employ such persons, make such expenditures, require such reports,
10 make such investigations and take such other action as it may deem
11 necessary or suitable for the proper administration of this article. All
12 rules and regulations issued under the provisions of this article shall be
13 effective upon publication in the manner hereinafter provided and shall
14 have the force and effect of law. The department may prescribe the
15 extent, if any, to which any rule or regulation so issued or legal
16 interpretation of this article shall be with or without retroactive effect.
17 Whenever the department believes that a change in contribution or
18 benefit rates will become necessary to protect the solvency of the
19 **unemployment insurance reemployment assistance** benefit fund, the
20 department shall promptly so inform the governor and the general
21 assembly, and make recommendations with respect thereto.

22 SECTION 51. IC 22-4-21-4, AS AMENDED BY P.L.171-2016,
23 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JANUARY 1, 2023]: Sec. 4. The department may afford reasonable
25 cooperation with every agency of the United States of America, or with
26 any state charged with the administration of any unemployment
27 compensation law **or reemployment assistance law**.

28 SECTION 52. IC 22-4-22-1, AS AMENDED BY P.L.171-2016,
29 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JANUARY 1, 2023]: Sec. 1. The department shall enter into
31 arrangements with the appropriate agencies of other states or
32 jurisdictions or the United States of America whereby individuals
33 performing services in this and other states or jurisdictions for a single
34 employing unit under circumstances not specifically provided for in
35 IC 22-4-8-2(b), or under similar provisions in the unemployment
36 compensation laws **or reemployment assistance compensation laws**
37 of such other states or jurisdictions, shall be deemed to be employment
38 performed entirely within this state or within one (1) of such other
39 states or jurisdictions, and whereby potential rights to benefits
40 accumulated under the unemployment compensation laws **or**
41 **reemployment assistance compensation laws** of several states or
42 jurisdictions, or under such a law of the United States of America, or



1 both, may constitute the basis for the payment of benefits through a
 2 single appropriate agency under the terms which the department finds
 3 will be fair and reasonable to all affected interests and will not result
 4 in substantial loss to the fund.

5 SECTION 53. IC 22-4-22-3, AS AMENDED BY P.L.108-2006,
 6 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JANUARY 1, 2023]: Sec. 3. The commissioner is authorized to enter
 8 into reciprocal agreements with the proper agencies under the laws of
 9 other states or jurisdictions or of the United States, which agreements
 10 shall become effective after filing with the secretary of state in
 11 accordance with rules adopted by the department under IC 4-22-2, by
 12 the terms of which agreements:

13 (1) potential rights to benefits accumulated under the
 14 unemployment compensation laws **or reemployment assistance**
 15 **laws** of one (1) or more states or jurisdictions or of the United
 16 States, or both, may constitute the basis for the payment of
 17 benefits through a single appropriate agency under terms which
 18 the commissioner finds will be fair and reasonable to all affected
 19 interests and which will not result in any substantial loss to the
 20 fund; and

21 (2) wages or services in employment subject to an unemployment
 22 compensation law **or reemployment assistance law** of another
 23 state or of the United States shall be deemed to be wages in
 24 employment for employers for the purpose of determining an
 25 individual's rights to ~~unemployment compensation~~
 26 **reemployment assistance** benefits under this article, and wages
 27 in employment for employers as defined in this article shall be
 28 deemed to be wages or services on the basis of which
 29 unemployment compensation **or reemployment assistance**
 30 **compensation** under the law of another state or of the United
 31 States is payable, but no such arrangement shall be entered into
 32 unless it contains provisions for reimbursements to the
 33 ~~unemployment insurance~~ **reemployment assistance** benefit fund
 34 for such of the ~~unemployment~~ **reemployment assistance**
 35 compensation benefits paid under this part upon the basis of such
 36 wages or services, and provisions for reimbursements from the
 37 ~~unemployment insurance~~ **reemployment assistance** benefit fund
 38 for such of the compensation paid under such other law upon the
 39 basis of wages for employment as defined in this article as the
 40 commissioner finds will be fair and reasonable to all affected
 41 interests.

42 SECTION 54. IC 22-4-22-4, AS AMENDED BY P.L.171-2016,



1 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JANUARY 1, 2023]: Sec. 4. The department is authorized to enter into
 3 reciprocal agreements with the agencies of other states or jurisdictions
 4 administering unemployment compensation laws **or reemployment**
 5 **assistance compensation laws** whereby the department and such other
 6 agencies or jurisdictions may act as agents for each other for the
 7 purpose of accepting contributions on each other's behalf. Such
 8 contributions upon remittance to the state or jurisdiction on whose
 9 behalf such contributions were received, shall be deemed contributions
 10 required and paid into the unemployment compensation fund **or the**
 11 **reemployment assistance benefit fund** of such state or jurisdiction as
 12 of the date received by the agent, state or jurisdiction.

13 SECTION 55. IC 22-4-22-5, AS AMENDED BY P.L.171-2016,
 14 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2023]: Sec. 5. In order that the administration of this
 16 article and the unemployment insurance laws **or reemployment**
 17 **assistance laws** of other states or jurisdictions or of the United States
 18 of America will be promoted by cooperation between this state and
 19 such other states or jurisdictions or the appropriate agencies of the
 20 United States in exchanging services and making available facilities
 21 and information, the department is authorized to make such
 22 investigations, secure and transmit such information, make available
 23 such services and facilities, and exercise such of the other powers
 24 provided in this article with respect to the administration of this article
 25 as deemed necessary or appropriate to facilitate the administration of
 26 any unemployment insurance law **or reemployment assistance law**
 27 and in like manner to accept and utilize information, services, and
 28 facilities made available to this state by the agency or jurisdiction
 29 charged with the administration of any such other unemployment
 30 insurance law **or reemployment assistance law**.

31 SECTION 56. IC 22-4-24-1 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 1. (a) There is
 33 created in the state treasury a special fund to be known as the
 34 employment and training services administration fund. All money
 35 which is deposited or paid into this fund is hereby appropriated and
 36 made available to the department. All money in this fund shall be
 37 expended for the purpose and in the amounts found necessary by the
 38 Secretary of Labor for the proper and efficient administration of this
 39 article and for no other purpose whatsoever. The fund shall consist of
 40 all money appropriated by this state and all money received from the
 41 United States, any agency thereof, or from any other source for such
 42 defined purposes. Money received from the railroad retirement board



1 as compensation for services or facilities supplied to said board shall
 2 be paid into this fund on the same basis as expenditures are made for
 3 such services or facilities from such fund. All money in this fund shall
 4 be deposited, administered, and disbursed in the same manner and
 5 under the same conditions and requirements as is provided by law for
 6 other special funds in the state treasury. Any balances in this fund shall
 7 not lapse at any time but shall be continuously available to the
 8 department for expenditure consistent with this article.

9 (b) Notwithstanding any provision of this section, all money
 10 requisitioned and deposited in this fund pursuant to IC 22-4-26-5 shall
 11 remain part of the ~~unemployment insurance~~ **reemployment assistance**
 12 benefit fund and shall be used only in accordance with the conditions
 13 specified in IC 22-4-26-5.

14 SECTION 57. IC 22-4-25-1, AS AMENDED BY P.L.165-2021,
 15 SECTION 183, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE JANUARY 1, 2023]: Sec. 1. (a) There is created in the
 17 state treasury a special fund to be known as the special employment
 18 and training services fund. All interest on delinquent contributions and
 19 penalties collected under this article, together with any voluntary
 20 contributions tendered as a contribution to this fund, shall be paid into
 21 this fund. The money shall not be expended or available for
 22 expenditure in any manner which would permit their substitution for
 23 (or a corresponding reduction in) federal funds which would in the
 24 absence of the money be available to finance expenditures for the
 25 administration of this article, but nothing in this section shall prevent
 26 the money from being used as a revolving fund to cover expenditures
 27 necessary and proper under the law for which federal funds have been
 28 duly requested but not yet received, subject to the charging of
 29 expenditures against the funds when received. The money in this fund
 30 shall be used by the department for the payment of refunds of interest
 31 on delinquent contributions and penalties so collected, for the payment
 32 of costs of administration which are found not to have been properly
 33 and validly chargeable against federal grants or other funds received
 34 for or in the employment and training services administration fund, on
 35 and after July 1, 1945. The money shall be available either to satisfy
 36 the obligations incurred by the department directly, or by transfer by
 37 the department of the required amount from the special employment
 38 and training services fund to the employment and training services
 39 administration fund. The department shall order the transfer of the
 40 funds or the payment of any obligation or expenditure and the funds
 41 shall be paid by the treasurer of state on requisition drawn by the
 42 department and certified by the commissioner. The money in this fund



1 is specifically made available to replace within a reasonable time any
 2 money received by this state pursuant to 42 U.S.C. 502, as amended,
 3 which, because of any action or contingency, has been lost or has been
 4 expended for purposes other than or in amounts in excess of those
 5 approved by the United States Department of Labor. The money in this
 6 fund shall be continuously available to the department for expenditures
 7 in accordance with the provisions of this section and for the prevention,
 8 detection, and recovery of delinquent contributions, penalties, and
 9 improper benefit payments, and shall not lapse at any time or be
 10 transferred to any other fund, except as provided in this article. Except
 11 as provided in subsection (e), after making the grants required under
 12 subsection (c), the department may expend an amount not to exceed
 13 eleven million five hundred thousand dollars (\$11,500,000) in a state
 14 fiscal year for the purpose of prevention, detection, and recovery of
 15 delinquent contributions, penalties, and improper benefit payments,
 16 unless an additional amount is approved by the budget committee.
 17 Nothing in this section shall be construed to limit, alter, or amend the
 18 liability of the state assumed and created by IC 22-4-28, or to change
 19 the procedure prescribed in IC 22-4-28 for the satisfaction of the
 20 liability, except to the extent that the liability may be satisfied by and
 21 out of the funds of the special employment and training services fund
 22 created by this section. Each state fiscal year, the commissioner shall
 23 make the training grants required under subsection (c) before amounts
 24 are expended from the fund in accordance with this section for any
 25 other purpose.

26 (b) If on December 31 the balance in the special employment and
 27 training services fund exceeds eleven million five hundred thousand
 28 dollars (\$11,500,000), the department shall order, not later than thirty
 29 (30) days after December 31, payment of the amount that exceeds
 30 eleven million five hundred thousand dollars (\$11,500,000) into the
 31 ~~unemployment insurance~~ **reemployment assistance** benefit fund.

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

35 (1) Four million dollars (\$4,000,000) to the state educational
 36 institution established under IC 21-25-2-1 for training provided
 37 to participants in apprenticeship programs approved by the United
 38 States Department of Labor, Bureau of Apprenticeship and
 39 Training.

40 (2) Four million dollars (\$4,000,000) to the state educational
 41 institution instituted and incorporated under IC 21-22-2-1 for
 42 training provided to participants in joint labor and management



1 apprenticeship programs approved by the United States
2 Department of Labor, Bureau of Apprenticeship and Training.

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

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

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

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

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

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

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

30 SECTION 58. IC 22-4-26-1, AS AMENDED BY P.L.171-2016,
31 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JANUARY 1, 2023]: Sec. 1. There is established a special fund to be
33 known as the ~~unemployment insurance~~ **reemployment assistance**
34 benefit fund which shall be administered separate and apart from all
35 public money or funds of the state. This fund shall consist of:

36 (1) all contributions, all payments in lieu of contributions, all
37 money received from the federal government as reimbursements
38 pursuant to section 204 of the Federal-State Extended
39 Compensation Act of 1970, and all money paid into and received
40 by it as provided in this article;

41 (2) any property or securities and the earnings thereof acquired
42 through the use of money belonging to the fund;



- 1 (3) all other money received for the fund from any other source;
 2 (4) all money credited to this state's account in the unemployment
 3 trust fund pursuant to 42 U.S.C. 1103, as amended; and
 4 (5) interest earned from all money in the fund.

5 Subject to the provisions of this article, the department is vested with
 6 full power, authority, and jurisdiction over the fund, including all
 7 money and property or securities belonging thereto, and may perform
 8 any and all acts whether or not specifically designated in this article
 9 which are necessary or convenient in the administration thereof
 10 consistent with the provisions of this article and the Depository Act.
 11 The money in this fund shall be used only for the payment of
 12 ~~unemployment compensation~~ **reemployment assistance** benefits.

13 SECTION 59. IC 22-4-26-2, AS AMENDED BY P.L.108-2006,
 14 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JANUARY 1, 2023]: Sec. 2. The fund shall be administered
 16 exclusively for the purpose of this article, and money withdrawn
 17 therefrom, except for deposit in the ~~unemployment insurance~~
 18 **reemployment assistance** benefit fund and for refund, as provided in
 19 this article, and except for amounts credited to the account of this state
 20 pursuant to 42 U.S.C. 1103, as amended, which shall be used
 21 exclusively as provided in section 5 of this chapter, shall be used solely
 22 for the payment of benefits. Payment of benefits and refunds shall be
 23 made in accordance with the rules prescribed by the department
 24 consistent with the provisions of this article. Withdrawals from the
 25 fund except as provided in section 5 of this chapter shall not be subject
 26 to any provisions of law requiring specific appropriations or other
 27 formal release by state officers of money in their custody.

28 SECTION 60. IC 22-4-26-3, AS AMENDED BY P.L.122-2019,
 29 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JANUARY 1, 2023]: Sec. 3. The treasurer of state shall be ex officio
 31 treasurer and custodian of the fund and shall administer the fund in
 32 accordance with the provisions of this article and the directions of the
 33 commissioner. All contributions provided for in this article shall be
 34 paid to and collected by the department. All contributions and other
 35 money payable to the fund as provided in this article upon receipt by
 36 the department shall be paid to and deposited in a separate clearing
 37 account for the exclusive benefit of the ~~unemployment insurance~~
 38 **reemployment assistance** benefit fund. The commissioner shall
 39 forward the money and deposit it, together with any money earned
 40 while in the treasurer's custody and any other money received by the
 41 treasurer for the payment of benefits from any source other than the
 42 unemployment trust fund, with the Secretary of the Treasury of the



1 United States of America to the credit of the unemployment trust fund.
 2 All money belonging to the ~~unemployment insurance~~ **reemployment**
 3 **assistance** benefit fund and not otherwise deposited, invested, or paid
 4 over pursuant to the provisions of this article may be deposited by the
 5 treasurer of state under the direction of the commissioner in any banks
 6 or public depositories in which general funds of the state may be
 7 deposited, but no public deposit insurance charge or premium shall be
 8 paid out of money in the ~~unemployment insurance~~ **reemployment**
 9 **assistance** benefit fund, any other provisions of law to the contrary
 10 notwithstanding. The treasurer of state shall, if required by the Social
 11 Security Administration, give a separate bond conditioned upon the
 12 faithful performance of the treasurer's duties as custodian of the fund
 13 in an amount and with such sureties as shall be fixed and approved by
 14 the governor. Premiums for the bond shall be paid as provided in
 15 IC 22-4-24.

16 SECTION 61. IC 22-4-26-5, AS AMENDED BY P.L.205-2013,
 17 SECTION 337, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JANUARY 1, 2023]: Sec. 5. (a) Money credited to the
 19 account of this state in the unemployment trust fund by the Secretary
 20 of the Treasury of the United States pursuant to 42 U.S.C. 1103, as
 21 amended, may be requisitioned and used for the payment of expenses
 22 incurred for the administration of this article and public employment
 23 offices pursuant to a specific appropriation by the general assembly,
 24 provided that the expenses are incurred and the money is requisitioned
 25 after the enactment of an appropriation statute which:

- 26 (1) specifies the purposes for which such money is appropriated
 27 and the amounts appropriated therefor;
 28 (2) except as provided in subsection (i), limits the period within
 29 which such money may be obligated to a period ending not more
 30 than two (2) years after the date of the enactment of the
 31 appropriation statute; and
 32 (3) limits the total amount which may be obligated during a
 33 twelve (12) month period beginning on July 1 and ending on the
 34 next June 30 to an amount which does not exceed the amount by
 35 which:
 36 (A) the aggregate of the amounts credited to the account of
 37 this state pursuant to 42 U.S.C. 1103, as amended, during such
 38 twelve (12) month period and the twenty-four (24) preceding
 39 twelve (12) month periods; exceeds
 40 (B) the aggregate of the amounts obligated by this state
 41 pursuant to this section and amounts paid out for benefits and
 42 charged against the amounts credited to the account of this



1 state during such twenty-five (25) twelve (12) month periods.

2 (b) For the purposes of this section, amounts obligated by this state
3 during any such twelve (12) month period shall be charged against
4 equivalent amounts which were first credited and which have not
5 previously been so charged, except that no amount obligated for
6 administration of this article and public employment offices during any
7 such twelve (12) month period may be charged against any amount
8 credited during such twelve (12) month period earlier than the
9 fourteenth preceding such twelve (12) month period.

10 (c) Amounts credited to the account of this state pursuant to 42
11 U.S.C. 1103, as amended, may not be obligated except for the payment
12 of cash benefits to individuals with respect to their unemployment and
13 for the payment of expenses incurred for the administration of this
14 article and public employment offices pursuant to this section.

15 (d) Money appropriated as provided in this section for the payment
16 of expenses incurred for the administration of this article and public
17 employment offices pursuant to this section shall be requisitioned as
18 needed for payment of obligations incurred under such appropriation
19 and upon requisition shall be deposited in the employment and training
20 services administration fund but, until expended, shall remain a part of
21 the ~~unemployment insurance~~ **reemployment assistance** benefit fund.
22 The commissioner shall maintain a separate record of the deposit,
23 obligation, expenditure, and return of funds so deposited. If any money
24 so deposited is for any reason not to be expended for the purpose for
25 which it was appropriated, or if it remains unexpended at the end of the
26 period specified by the statute appropriating such money, it shall be
27 withdrawn and returned to the Secretary of the Treasury of the United
28 States for credit to this state's account in the unemployment trust fund.

29 (e) There is appropriated out of the funds made available to Indiana
30 under Section 903 of the Social Security Act, as amended by Section
31 209 of the Temporary Extended Unemployment Compensation Act of
32 2002 (which is Title II of the federal Jobs Creation and Worker
33 Assistance Act of 2002, Pub.L107-147), seventy-two million two
34 hundred thousand dollars (\$72,200,000) to the department of workforce
35 development. Unencumbered money at the end of a state fiscal year
36 does not revert to the state general fund.

37 (f) Money appropriated under subsection (e) is subject to the
38 requirements of IC 22-4-37-1.

39 (g) Money appropriated under subsection (e) may be used only for
40 the following purposes:

41 (1) The administration of the Unemployment Insurance (UI)
42 program and the Wagner Peyser public employment office



- 1 program.
- 2 (2) Acquiring land and erecting buildings for the use of the
3 department of workforce development.
- 4 (3) Improvements, facilities, paving, landscaping, and equipment
5 repair and maintenance that may be required by the department of
6 workforce development.
- 7 (h) In accordance with the requirements of subsection (g), the
8 department of workforce development may allocate up to the following
9 amounts from the amount described in subsection (e) for the following
10 purposes:
- 11 (1) Thirty-nine million two hundred thousand dollars
12 (\$39,200,000) to be used for the modernization of the
13 Unemployment Insurance (UI) system beginning July 1, 2003,
14 and ending June 30, 2013.
- 15 (2) For:
- 16 (A) the state fiscal year beginning after June 30, 2003, and
17 ending before July 1, 2004, five million dollars (\$5,000,000);
18 (B) the state fiscal year beginning after June 30, 2004, and
19 ending before July 1, 2005, five million dollars (\$5,000,000);
20 (C) the state fiscal year beginning after June 30, 2005, and
21 ending before July 1, 2006, five million dollars (\$5,000,000);
22 (D) the state fiscal year beginning after June 30, 2006, and
23 ending before July 1, 2007, five million dollars (\$5,000,000);
24 (E) the state fiscal year beginning after June 30, 2007, and
25 ending before July 1, 2008, five million dollars (\$5,000,000);
26 and
27 (F) state fiscal years beginning after June 30, 2008, and ending
28 before July 1, 2012, the unused part of any amount allocated
29 in any year for any purpose under this subsection;
30 for the JOBS proposal to meet the workforce needs of Indiana
31 employers in high wage, high skill, high demand occupations.
- 32 (3) For:
- 33 (A) the state fiscal year beginning after June 30, 2003, and
34 ending before July 1, 2004, four million dollars (\$4,000,000);
35 and
36 (B) the state fiscal year beginning after June 30, 2004, and
37 ending before July 1, 2005, four million dollars (\$4,000,000);
38 to be used by the workforce investment boards in the
39 administration of Indiana's public employment offices.
- 40 (i) The amount appropriated under subsection (e) for the payment
41 of expenses incurred in the administration of this article and public
42 employment is not required to be obligated within the two (2) year



1 period described in subsection (a)(2).

2 SECTION 62. IC 22-4-27-1, AS AMENDED BY P.L.136-2018,
 3 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 4 [EFFECTIVE JANUARY 1, 2023]: Sec. 1. The provisions of
 5 IC 22-4-26-1, IC 22-4-26-2, IC 22-4-26-3, and IC 22-4-26-4, to the
 6 extent that they relate to the unemployment trust fund, shall be
 7 operative only so long as such unemployment trust fund continues to
 8 exist and so long as the Secretary of the Treasury of the United States
 9 continues to maintain for this state a separate book account of all funds
 10 deposited in the unemployment trust fund by the state for benefit
 11 purposes, together with the state's proportionate share of the earnings
 12 of such unemployment trust fund, from which no other state is
 13 permitted to make withdrawals. If and when such unemployment trust
 14 fund ceases to exist or such separate book account is no longer
 15 maintained, all money, properties, or securities in the unemployment
 16 trust fund belonging to the ~~unemployment insurance~~ **reemployment**
 17 **assistance** benefit fund of this state shall be transferred to the treasurer
 18 of the ~~unemployment insurance~~ **reemployment assistance** benefit fund
 19 who shall hold, invest, transfer, sell, deposit, and release such money,
 20 properties, or securities in a manner approved by the department in
 21 accordance with the provisions of this article. The money shall be
 22 invested in the following readily marketable classes of securities:

23 (1) Bonds or other interest bearing obligations of the United
 24 States.

25 (2) Any bonds guaranteed as to principal and interest by the
 26 United States government.

27 The treasurer of state shall dispose of securities or other properties
 28 belonging to the ~~unemployment insurance~~ **reemployment assistance**
 29 benefit fund under the direction of the commissioner.

30 SECTION 63. IC 22-4-29-8 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 8. (a) If the clerk
 32 fails to record the warrant and issue the same to the department within
 33 five (5) days after it has been received by the clerk as herein provided,
 34 the clerk shall forfeit to the state for each such failure the sum of
 35 twenty dollars (\$20), which shall be deposited in the ~~unemployment~~
 36 ~~insurance~~ **reemployment assistance** benefit fund.

37 (b) Within one hundred twenty (120) days from the date of receipt
 38 of the warrant (or immediately after service if the warrant is fully
 39 satisfied or found to be wholly uncollectible) the sheriff shall return it
 40 to the department, together with the money collected, less fees and
 41 costs.

42 (c) "Costs" as referred to in this subsection includes the fees of the



1 clerk and sheriff as are specifically provided for and costs of storage,
2 appraisal, publication, and other necessary and properly chargeable
3 expenses incurred in the sale of property on execution. The costs herein
4 specifically prescribed for the clerk and sheriff shall be as follows:

5 (1) Clerk's fee of three dollars (\$3) to be charged on the warrant
6 and paid to the clerk for recording the warrant.

7 (2) Sheriff's fee of:

8 (A) six dollars (\$6) to be charged on the warrant and paid to
9 the sheriff in every instance in which the warrant has been
10 duly and properly served and the schedules and affidavits
11 hereinafter provided for have been executed and signed; or

12 (B) ten dollars (\$10) for sale of property on execution or
13 decree, including making a deed or certificate of sale, to be
14 charged on the warrant.

15 SECTION 64. IC 22-4-29-9 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 9. (a) The fees
17 and charges provided in section 8 of this chapter for the clerk and
18 sheriff shall be the property of the clerk and sheriff, and, excepting
19 additional payments to the sheriff provided for in this section, shall be
20 the only fees and charges payable for their services relating to the
21 warrants herein and shall be in lieu of all fees and charges provided for
22 in other statutes for services relating to recording and serving of
23 warrants and levying of executions, whether such other statutes relate
24 to clerks, sheriffs, governmental units, or subdivisions thereof. Such
25 costs shall be charged against the employing unit and collected from it
26 by the sheriff.

27 (b) In case the amount collected is sufficient to satisfy the entire
28 amount of the warrant and all costs thereon, the sheriff shall retain an
29 amount equal to ten percent (10%) of the assessment in addition to the
30 fees provided in section 8 of this chapter. If such amount is not
31 collected in full, the sheriff shall retain an amount equal to five percent
32 (5%) of the amount collected.

33 (c) However, in instances wherein the sheriff makes no collection
34 upon a warrant and it has been returned to the department as
35 uncollectible and the warrant is thereafter paid voluntarily in whole or
36 in part by the employing unit to the clerk or to the department, the
37 sheriff shall not be entitled to either of the payments mentioned in
38 subsection (b), and the damages assessed in the warrant shall be
39 deposited in the ~~unemployment insurance~~ **reemployment assistance**
40 benefit fund.

41 SECTION 65. IC 22-4-32-4, AS AMENDED BY P.L.122-2019,
42 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2023]: Sec. 4. (a) An employing unit shall have fifteen
 2 (15) calendar days, beginning on the date an initial determination is
 3 sent to the employing unit, within which to protest in writing an initial
 4 determination of the department with respect to section 1 of this
 5 chapter.

6 (b) If a notice under this chapter is served through the United States
 7 Postal Service, three (3) days must be added to a period that
 8 commences upon service of notice.

9 (c) The filing of a document with the ~~unemployment insurance~~
 10 **reemployment assistance** appeals division is complete on the earliest
 11 of the following dates that apply to the filing:

12 (1) The date on which the document is delivered to the
 13 ~~unemployment insurance~~ **reemployment assistance** appeals
 14 division.

15 (2) The date of the postmark on the envelope containing the
 16 document if the document is mailed to the ~~unemployment~~
 17 **insurance reemployment assistance** appeals division by the
 18 United States Postal Service.

19 (3) The date on which the document is deposited with a private
 20 carrier, as shown by a receipt issued by the carrier, if the
 21 document is sent to the ~~unemployment insurance~~ **reemployment**
 22 **assistance** appeals division by a private carrier.

23 SECTION 66. IC 22-4-35-1, AS AMENDED BY P.L.10-2019,
 24 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JANUARY 1, 2023]: Sec. 1. In any civil action to enforce the
 26 provisions of this article, the department, commissioner, state
 27 workforce innovation council (before its abolishment), ~~unemployment~~
 28 **insurance reemployment assistance** review board, and the state may
 29 be represented by any qualified attorney who is a regular salaried
 30 employee of the department and is designated by it for this purpose or,
 31 at the director's request, by the attorney general of the state. In case the
 32 governor designates special counsel to defend, on behalf of the state,
 33 the validity of this article, the expenses and compensation of such
 34 special counsel and of any experts employed by the commissioner in
 35 connection with such proceedings may be charged to the employment
 36 and training services administration fund.

37 SECTION 67. IC 22-4-36-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 1. Benefits shall
 39 be deemed to be due and payable under this article only to the extent
 40 provided in this article and to the extent that money is available
 41 therefor to the credit of the ~~unemployment insurance~~ **reemployment**
 42 **assistance** benefit fund, and neither the state nor the department shall



1 be liable for any amount in excess of such sums.

2 SECTION 68. IC 22-4-37-3, AS AMENDED BY P.L.175-2009,
3 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2023]: Sec. 3. (a) Should:

5 (1) the Congress of the United States amend, repeal, or authorize
6 the implementation of a demonstration project under 29 U.S.C. 49
7 et seq., 26 U.S.C. 3301 through 3311, 42 U.S.C. 301 et seq., or 26
8 U.S.C. 3101 through 3504, or any statute or statutes supplemental
9 to or in lieu thereof or any part or parts of said statutes, or should
10 any or all of said statutes or any part or parts thereof be held
11 invalid, to the end and with such effect that appropriations of
12 funds by the said Congress and grants thereof to the state for the
13 payment of costs of administration of the department are or no
14 longer shall be available for such purposes;

15 (2) the primary responsibility for the administration of 26 U.S.C.
16 3301 through 26 U.S.C. 3311 be transferred to the state as a
17 demonstration project authorized by Congress; or

18 (3) employers in Indiana subject to the payment of tax under 26
19 U.S.C. 3301 through 3311 be granted full credit upon such tax for
20 contributions or taxes paid to the department;

21 then, beginning with the effective date of such change in liability for
22 payment of such federal tax and for each year thereafter, the normal
23 contribution rate under this article shall be established by the
24 department and may not exceed three and one-half percent (3.5%) per
25 year of each employer's payroll subject to contribution. With respect to
26 each employer having a rate of contribution for such year pursuant to
27 terms of IC 22-4-11-2(b)(2)(A), IC 22-4-11-2(b)(2)(B),
28 IC 22-4-11-2(c), IC 22-4-11-3, IC 22-4-11-3.3, IC 22-4-11-3.5, and
29 IC 22-4-11.5, to the rate of contribution, as determined for such year in
30 which such change occurs, shall be added not more than eight-tenths
31 percent (0.8%) as prescribed by the department.

32 (b) The amount of the excess of tax for which such employer is or
33 may become liable by reason of this section over the amount which
34 such employer would pay or become liable for except for the provisions
35 of this section, together with any interest or earnings thereon, shall be
36 paid and transferred into the employment and training services
37 administration fund to be disbursed and paid out under the same
38 conditions and for the same purposes as is other money provided to be
39 paid into such fund. If the commissioner shall determine that as of
40 January 1 of any year there is an excess in said fund over the money
41 and funds required to be disbursed therefrom for the purposes thereof
42 for such year, then and in such cases an amount equal to such excess,



1 as determined by the commissioner, shall be transferred to and become
 2 part of the ~~unemployment insurance~~ **reemployment assistance** benefit
 3 fund, and such funds shall be deemed to be and are hereby appropriated
 4 for the purposes set out in this section.

5 SECTION 69. IC 22-4-39-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 1. As used in this
 7 chapter:

8 (1) "Child support obligations" includes only obligations which
 9 are being enforced pursuant to a plan described in Section 454 of
 10 the Social Security Act which has been approved by the Secretary
 11 of Health and Human Services under Title IV-D of the Social
 12 Security Act.

13 (2) "Legal process" means a writ, an order, a summons, or other
 14 process in the nature of garnishment that is issued by:

15 (A) a court with jurisdiction in a state, territory, or possession
 16 of the United States;

17 (B) a court with jurisdiction in a foreign country with which
 18 the United States has entered into an agreement that requires
 19 the United States to honor the process; or

20 (C) an authorized official acting under an order of a court with
 21 jurisdiction or under state or local law.

22 **(3) "Reemployment assistance compensation" means any**
 23 **compensation payable under this article (including amounts**
 24 **payable by the department pursuant to an agreement under**
 25 **any federal law providing for compensation, assistance, or**
 26 **allowances with respect to unemployment).**

27 ~~(3)~~ **(4) "State or local child support enforcement agency" means**
 28 **any agency of any state or a political subdivision of the state**
 29 **operating pursuant to a plan described in subdivision (1).**

30 ~~(4)~~ **"Unemployment compensation" means any compensation**
 31 **payable under this article (including amounts payable by the**
 32 **department pursuant to an agreement under any federal law**
 33 **providing for compensation, assistance, or allowances with**
 34 **respect to unemployment).**

35 SECTION 70. IC 22-4-39-3, AS AMENDED BY P.L.150-2018,
 36 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2023]: Sec. 3. The department shall deduct and withhold
 38 from any ~~unemployment~~ **reemployment assistance** compensation
 39 payable to an individual that owes child support obligations the amount
 40 specified by the state or local child support enforcement agency to the
 41 department to be deducted and withheld.

42 SECTION 71. IC 22-4-39-4 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 4. (a) Any amount
 2 deducted and withheld under section 3 of this chapter shall be paid by
 3 the department to the appropriate state or local child support
 4 enforcement agency.

5 (b) Any amount deducted and withheld under section 3 of this
 6 chapter shall for all purposes be treated as if it were paid to the
 7 individual as ~~unemployment~~ **reemployment assistance** compensation
 8 and paid by the individual to the state or local child support
 9 enforcement agency as a payment on the individual's child support
 10 obligations.

11 SECTION 72. IC 22-4-39.5-3, AS ADDED BY P.L.171-2011,
 12 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2023]: Sec. 3. (a) The department may file a civil action
 14 to obtain reimbursement of amounts paid by the department as
 15 ~~unemployment insurance~~ **reemployment assistance** benefits from an
 16 employer that has knowingly employed an unauthorized alien.

17 (b) The action must be filed in the county in which the employer
 18 employed the unauthorized alien.

19 (c) In determining whether an individual is an unauthorized alien for
 20 purposes of this chapter, a court may consider only the federal
 21 government's verification or status information under 8 U.S.C. 1373(c).

22 (d) After holding a hearing and making a finding that the employer
 23 knowingly employed an unauthorized alien, the court shall award the
 24 following to the department:

25 (1) The reimbursement of ~~unemployment insurance~~
 26 **reemployment assistance** benefits paid by the department
 27 computed using the salary of the position held by the
 28 unauthorized alien during the period the unauthorized alien was
 29 employed by the employer.

30 (2) Reasonable costs and attorney's fees.

31 (e) The department shall deposit the reimbursement awarded under
 32 subsection (d)(1) in the ~~unemployment insurance~~ **reemployment**
 33 **assistance** benefit fund established by IC 22-4-26-1.

34 SECTION 73. IC 22-4.1-2-2, AS AMENDED BY P.L.152-2018,
 35 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JANUARY 1, 2023]: Sec. 2. The department includes the
 37 ~~unemployment insurance~~ **reemployment assistance** review board.

38 SECTION 74. IC 22-4.1-3-4, AS AMENDED BY P.L.234-2007,
 39 SECTION 145, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JANUARY 1, 2023]: Sec. 4. Funds necessary to support
 41 the operating costs of the department of workforce development
 42 beyond those approved and appropriated by the United States Congress



1 or approved by federal agencies for the operation of the department and
2 specifically authorized by other provisions of IC 22-4:

3 (1) must be specifically appropriated from the state general fund
4 for this purpose; and

5 (2) may not be derived from other state or federal funds directed
6 for ~~unemployment insurance~~ **reemployment assistance** programs
7 under IC 22-4, including funds under the Wagner-Peyser Act (29
8 U.S.C. 49 et seq.), any other grants or funds that are passed
9 through for job training programs, the Carl D. Perkins Vocational
10 and Applied Technology Act (20 U.S.C. 2301 et seq.), and any
11 other grant or funds for career and technical education.

12 SECTION 75. IC 22-4.1-23-2, AS AMENDED BY P.L.149-2016,
13 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2023]: Sec. 2. (a) All money received by the state under
15 29 U.S.C. 49 et seq. and 38 U.S.C. 4100 through 4114 shall be paid
16 into the employment and training services administration fund.

17 (b) The money described in subsection (a) is available to the
18 department to be expended as provided by this section and by 29
19 U.S.C. 49 et seq. and 38 U.S.C. 4100 through 4114.

20 (c) For the purpose of establishing and maintaining free public
21 employment and training offices, the department is authorized to enter
22 into agreements with:

23 (1) the United States Railroad Retirement Board;

24 (2) any agency of the United States charged with the
25 administration of an unemployment compensation law **or**
26 **reemployment assistance law;**

27 (3) any political subdivision; or

28 (4) any private, nonprofit organization.

29 (d) As a part of an agreement described in subsection (c), the
30 department may accept money, services, or facilities as a contribution
31 to the employment and training services administration fund.

32 (e) The general assembly shall appropriate and make available to
33 the department annually an amount sufficient to ensure the state
34 receives its full share of funds under 29 U.S.C. 49 et seq. and 38 U.S.C.
35 4100 through 4114. Any money appropriated and made available to the
36 department shall be deposited in the employment and training services
37 administration fund.

38 SECTION 76. IC 22-6-1-4 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 4. No court of the
40 state of Indiana shall have jurisdiction to issue any restraining order or
41 temporary or permanent injunction in any case involving or growing
42 out of any labor dispute to prohibit any person or persons participating



1 or interested in such dispute (as these terms are defined in this chapter)
 2 from doing, whether singly or in concert, any of the following acts:

3 (a) Ceasing or refusing to perform any work or to remain in any
 4 relation of employment.

5 (b) Becoming or remaining a member of any labor organization
 6 or of any employer organization, regardless of any such
 7 undertaking or promise as is described in section 3 of this chapter.

8 (c) Paying or giving to, or withholding from any person
 9 participating or interested in such labor dispute, or any strike or
 10 ~~unemployment~~ **reemployment assistance** benefits or insurance,
 11 or other moneys or things of value.

12 (d) By all lawful means aiding any person participating or
 13 interested in any labor dispute who is being proceeded against in,
 14 or is prosecuting, any action or suit in any court of the state of
 15 Indiana.

16 (e) Giving publicity to the existence of, or the facts involved in,
 17 any labor dispute, whether by advertising, speaking, patrolling, or
 18 by any other method not involving fraud or violence.

19 (f) Assembling peaceably to act or to organize to act in promotion
 20 of their interests in a labor dispute.

21 (g) Advising or notifying any person of an intention to do any of
 22 the acts specified in this section.

23 (h) Agreeing with other persons to do or not to do any of the acts
 24 specified in this section.

25 (i) Advising, urging, or otherwise causing or inducing without
 26 fraud or violence the acts specified in this section, regardless of
 27 any such undertaking or promise as is described in section 3 of
 28 this chapter.

29 SECTION 77. IC 31-25-4-8, AS AMENDED BY P.L.150-2018,
 30 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2023]: Sec. 8. In addition to the duties imposed by
 32 section 7 of this chapter, the bureau shall do the following:

33 (1) Notify the department of workforce development of the
 34 amounts to be deducted from an individual's ~~unemployment~~
 35 **reemployment assistance** compensation, not to exceed the
 36 individual's weekly benefit amount of ~~unemployment~~
 37 **reemployment assistance** compensation.

38 (2) Reimburse the department of workforce development for the
 39 administrative costs incurred by the department under IC 22-4-39.

40 SECTION 78. IC 34-7-4-2, AS AMENDED BY P.L.68-2005,
 41 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JANUARY 1, 2023]: Sec. 2. Statutes outside IC 34 providing causes



- 1 of action or procedures include the following:
- 2 (1) IC 4-21.5-5 (Judicial review of administrative agency actions).
- 3 (2) IC 22-3-4 (Worker's compensation administration and
- 4 procedures).
- 5 (3) IC 22-4-17 (~~Unemployment~~ **Reemployment assistance**
- 6 compensation system, employee's claims for benefits).
- 7 (4) IC 22-4-32 (~~Unemployment~~ **Reemployment assistance**
- 8 compensation system, employer's appeal process).
- 9 (5) IC 22-9 (Civil rights actions).
- 10 (6) IC 24-9 (Home loans).
- 11 (7) IC 31-14 (Paternity).
- 12 (8) IC 31-15 (Dissolution of marriage and legal separation).
- 13 (9) IC 31-16 (Support of children and other dependents).
- 14 (10) IC 31-17 (Custody and parenting time).
- 15 (11) IC 31-19 (Adoption).
- 16 (12) IC 32-27-2, IC 32-30-1, IC 32-30-2, IC 32-30-4, IC 32-30-9,
- 17 IC 32-30-10, IC 32-30-12, IC 32-30-13, and IC 32-30-14 (Real
- 18 property).
- 19 (13) IC 33-43-4 (Attorney liens).
- 20 SECTION 79. IC 34-30-2-86.7, AS ADDED BY P.L.138-2008,
- 21 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JANUARY 1, 2023]: Sec. 86.7. IC 22-4-29-14 (Concerning actions
- 23 taken to collect ~~unemployment insurance~~ **reemployment assistance**
- 24 assessments).
- 25 SECTION 80. IC 34-30-2-87.4, AS ADDED BY P.L.183-2015,
- 26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JANUARY 1, 2023]: Sec. 87.4. IC 22-4-13.3-7 (Concerning the
- 28 withholding of overpaid ~~unemployment~~ **reemployment assistance**
- 29 benefits).
- 30 SECTION 81. IC 34-30-32-8, AS ADDED BY P.L.1-2021,
- 31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JANUARY 1, 2023]: Sec. 8. (a) This chapter supplements and is in
- 33 addition to:
- 34 (1) IC 34-13-3 (Indiana Tort Claims Act); and
- 35 (2) IC 34-18 (Indiana Medical Malpractice Act).
- 36 (b) This chapter does not apply to:
- 37 (1) IC 22-3-2 (Worker's Compensation);
- 38 (2) IC 22-3-7 (Worker's Occupational Diseases Compensation);
- 39 (3) IC 22-8 (Occupational Health and Safety); or
- 40 (4) IC 22-4 (~~Unemployment~~ **Reemployment Assistance**
- 41 Compensation).
- 42 SECTION 82. IC 34-30-33-6, AS ADDED BY P.L.1-2021,



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2023]: Sec. 6. (a) This chapter supplements and is in
3 addition to:

- 4 (1) IC 34-13-3 (Indiana Tort Claims Act); and
5 (2) IC 34-18 (Indiana Medical Malpractice Act).

6 (b) This chapter does not apply to a claim brought under:

- 7 (1) IC 22-3-2 (Worker's Compensation);
8 (2) IC 22-3-7 (Worker's Occupational Diseases Compensation);
9 (3) IC 22-8 (Occupational Health and Safety); or
10 (4) IC 22-4 (~~Unemployment~~ **Reemployment Assistance**
11 Compensation).

12 SECTION 83. IC 34-52-2-1, AS AMENDED BY P.L.3-2014,
13 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2023]: Sec. 1. (a) Subject to any other statute governing
15 reimbursement of fees and other expenses, this chapter applies to the
16 reimbursement of the fees and other expenses incurred in preparing for
17 or prosecuting:

- 18 (1) a proceeding under IC 4-21.5-5 to judicially review a final
19 order made by a state agency;
20 (2) an appeal from a final determination made by the worker's
21 compensation board;
22 (3) an appeal of a final determination made by the department of
23 state revenue; or
24 (4) an appeal of a final determination made by the department of
25 workforce development or the department of workforce
26 development ~~unemployment insurance~~ **reemployment assistance**
27 review board.

28 (b) However, this chapter does not apply to an order or other
29 determination:

- 30 (1) under:
31 (A) IC 16-27-1;
32 (B) IC 16-28;
33 (C) IC 16-30;
34 (D) IC 12-28-4; or
35 (E) IC 12-28-5;
36 (2) by an agency described in IC 25-0.5-9; or
37 (3) by the board of podiatric medicine.

38 SECTION 84. IC 35-43-5-1, AS AMENDED BY P.L.174-2021,
39 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JANUARY 1, 2023]: Sec. 1. (a) The definitions set forth in this section
41 apply throughout this chapter.

42 (b) "Claim statement" means an insurance policy, a document, or a



1 statement made in support of or in opposition to a claim for payment
 2 or other benefit under an insurance policy, or other evidence of
 3 expense, injury, or loss. The term includes statements made orally, in
 4 writing, or electronically, including the following:

- 5 (1) An account.
- 6 (2) A bill for services.
- 7 (3) A bill of lading.
- 8 (4) A claim.
- 9 (5) A diagnosis.
- 10 (6) An estimate of property damages.
- 11 (7) A hospital record.
- 12 (8) An invoice.
- 13 (9) A notice.
- 14 (10) A proof of loss.
- 15 (11) A receipt for payment.
- 16 (12) A physician's records.
- 17 (13) A prescription.
- 18 (14) A statement.
- 19 (15) A test result.
- 20 (16) X-rays.

21 (c) "Coin machine" means a coin box, vending machine, or other
 22 mechanical or electronic device or receptacle designed:

- 23 (1) to receive a coin, bill, or token made for that purpose; and
- 24 (2) in return for the insertion or deposit of a coin, bill, or token
 25 automatically:

 - 26 (A) to offer, provide, or assist in providing; or
 - 27 (B) to permit the acquisition of;

- 28 some property.

29 (d) "Credit card" means an instrument or device (whether known as
 30 a credit card or charge plate, or by any other name) issued by an issuer
 31 for use by or on behalf of the credit card holder in obtaining property.

32 (e) "Credit card holder" means the person to whom or for whose
 33 benefit the credit card is issued by an issuer.

34 (f) "Customer" means a person who receives or has contracted for
 35 a utility service.

36 (g) "Drug or alcohol screening test" means a test that:

- 37 (1) is used to determine the presence or use of alcohol, a
 38 controlled substance, or a drug in a person's bodily substance; and
- 39 (2) is:
 - 40 (A) administered in the course of monitoring a person who is:
 - 41 (i) incarcerated in a prison or jail;
 - 42 (ii) placed in a community corrections program;



- 1 (iii) on probation or parole;
 2 (iv) participating in a court ordered alcohol or drug
 3 treatment program; or
 4 (v) on court ordered pretrial release; or
 5 (B) ordered by a court as part of a civil action.
- 6 (h) "Entrusted" means held in a fiduciary capacity or placed in
 7 charge of a person engaged in the business of transporting, storing,
 8 lending on, or otherwise holding property of others.
- 9 (i) "Identifying information" means information, genuine or
 10 fabricated, that identifies or purports to identify a person, including:
 11 (1) a name, address, date of birth, place of employment, employer
 12 identification number, mother's maiden name, Social Security
 13 number, or any identification number issued by a governmental
 14 entity;
 15 (2) unique biometric data, including a fingerprint, voice print, or
 16 retina or iris image;
 17 (3) unique electronic identification number, address, or routing
 18 code;
 19 (4) telecommunication identifying information; or
 20 (5) telecommunication access device, including a card, a plate, a
 21 code, a telephone number, an account number, a personal
 22 identification number, an electronic serial number, a mobile
 23 identification number, or another telecommunications service or
 24 device or means of account access that may be used to:
 25 (A) obtain money, goods, services, or any other thing of value;
 26 or
 27 (B) initiate a transfer of funds.
- 28 (j) "Insurance policy" includes the following:
 29 (1) An insurance policy.
 30 (2) A contract with a health maintenance organization (as defined
 31 in IC 27-13-1-19) or a limited service health maintenance
 32 organization (as defined in IC 27-13-1-27).
 33 (3) A written agreement entered into under IC 27-1-25.
- 34 (k) "Insurer" has the meaning set forth in IC 27-1-2-3(x). The term
 35 also includes the following:
 36 (1) A reinsurer.
 37 (2) A purported insurer or reinsurer.
 38 (3) A broker.
 39 (4) An agent of an insurer, a reinsurer, a purported insurer or
 40 reinsurer, or a broker.
 41 (5) A health maintenance organization.
 42 (6) A limited service health maintenance organization.



1 (l) "Manufacturer" means a person who manufactures a recording.
 2 The term does not include a person who manufactures a medium upon
 3 which sounds or visual images can be recorded or stored.

4 (m) "Make" means to draw, prepare, complete, counterfeit, copy or
 5 otherwise reproduce, or alter any written instrument in whole or in part.

6 (n) "Metering device" means a mechanism or system used by a
 7 utility to measure or record the quantity of services received by a
 8 customer.

9 (o) "Public relief or assistance" means any payment made, service
 10 rendered, hospitalization provided, or other benefit extended to a
 11 person by a governmental entity from public funds and includes
 12 township assistance, food stamps, direct relief, ~~unemployment~~
 13 **reemployment assistance** compensation, and any other form of
 14 support or aid.

15 (p) "Recording" means a tangible medium upon which sounds or
 16 visual images are recorded or stored. The term includes the following:

17 (1) An original:

18 (A) phonograph record;

19 (B) compact disc;

20 (C) wire;

21 (D) tape;

22 (E) audio cassette;

23 (F) video cassette; or

24 (G) film.

25 (2) Any other medium on which sounds or visual images are or
 26 can be recorded or otherwise stored.

27 (3) A copy or reproduction of an item in subdivision (1) or (2)
 28 that duplicates an original recording in whole or in part.

29 (q) "Slug" means an article or object that is capable of being
 30 deposited in a coin machine as an improper substitute for a genuine
 31 coin, bill, or token.

32 (r) "Utility" means a person who owns or operates, for public use,
 33 any plant, equipment, property, franchise, or license for the production,
 34 storage, transmission, sale, or delivery of electricity, water, steam,
 35 telecommunications, information, or gas.

36 (s) "Written instrument" means a paper, a document, or other
 37 instrument containing written matter and includes money, coins,
 38 tokens, stamps, seals, credit cards, badges, trademarks, medals, retail
 39 sales receipts, labels or markings (including a universal product code
 40 (UPC) or another product identification code), or other objects or
 41 symbols of value, right, privilege, or identification.

42 SECTION 85. IC 35-46-1-9, AS AMENDED BY P.L.144-2018,



1 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2023]: Sec. 9. (a) As used in this section, "resident"
3 means an individual who has a physical presence in a state with the
4 intention of remaining indefinitely in that state.

5 (b) This section does not apply if the:

- 6 (1) birth mother is not a resident of Indiana; and
- 7 (2) adoption takes place in a jurisdiction outside Indiana.

8 (c) Except as provided in subsection (d), a person who, with respect
9 to an adoption, transfers or receives any property in connection with the
10 waiver of parental rights, the termination of parental rights, the consent
11 to adoption, or the petition for adoption commits profiting from an
12 adoption, a Level 6 felony.

13 (d) This section does not apply to the transfer or receipt of:

- 14 (1) reasonable attorney's fees;
- 15 (2) hospital and medical expenses concerning childbirth and
- 16 pregnancy incurred by the adopted person's birth mother;
- 17 (3) reasonable charges and fees levied by a child placing agency
- 18 licensed under IC 31-27 or the department of child services,
- 19 including reasonable charges and fees for adoption services (as
- 20 described in section 22 of this chapter);
- 21 (4) reasonable expenses for psychological counseling relating to
- 22 adoption incurred by the adopted person's birth parents;
- 23 (5) reasonable costs of housing, utilities, and phone service for the
- 24 adopted person's birth mother during the second or third trimester
- 25 of pregnancy and not more than six (6) weeks after childbirth;
- 26 (6) reasonable costs of maternity clothing for the adopted person's
- 27 birth mother;
- 28 (7) reasonable travel expenses incurred by the adopted person's
- 29 birth mother that relate to the pregnancy or adoption;
- 30 (8) any additional itemized necessary living expenses for the
- 31 adopted person's birth mother during the second or third trimester
- 32 of pregnancy and not more than six (6) weeks after childbirth, not
- 33 listed in subdivisions (5) through (7) in an amount not to exceed
- 34 one thousand dollars (\$1,000);
- 35 (9) other charges and fees approved by the court supervising the
- 36 adoption, including reimbursement of not more than actual wages
- 37 lost as a result of the inability of the adopted person's birth mother
- 38 to work at her regular, existing employment due to a medical
- 39 condition, excluding a psychological condition, if:
 - 40 (A) the attending physician of the adopted person's birth
 - 41 mother has ordered or recommended that the adopted person's
 - 42 birth mother discontinue her employment; and



1 (B) the medical condition and its direct relationship to the
 2 pregnancy of the adopted person's birth mother are
 3 documented by her attending physician; or
 4 (10) reasonable charges and fees for adoption services (as
 5 described in section 22 of this chapter) provided by an attorney
 6 licensed to practice law in Indiana.

7 In determining the amount of reimbursable lost wages, if any, that are
 8 reasonably payable to the adopted person's birth mother under
 9 subdivision (9), the court shall offset against the reimbursable lost
 10 wages any amounts paid to the adopted person's birth mother under
 11 subdivisions (5) and (8) and any ~~unemployment~~ **reemployment**
 12 **assistance** compensation received by or owed to the adopted person's
 13 birth mother.

14 (e) Except as provided in this subsection, payments made under
 15 subsection (d)(5) through (d)(9) may not exceed four thousand dollars
 16 (\$4,000) and must be disclosed to the court supervising the adoption.
 17 The amounts paid under subsection (d)(5) through (d)(9) may exceed
 18 four thousand dollars (\$4,000) to the extent that a court with
 19 jurisdiction over the child who is the subject of the adoption approves
 20 the expenses after determining that:

21 (1) the expenses are not being offered as an inducement to
 22 proceed with an adoption; and
 23 (2) failure to make the payments may seriously jeopardize the
 24 health of either the child or the mother of the child and the direct
 25 relationship is documented by a licensed social worker or the
 26 attending physician.

27 (f) The payment limitation under subsection (e) applies to the total
 28 amount paid under subsection (d)(5) through (d)(9) in connection with
 29 an adoption from all prospective adoptive parents, attorneys, and
 30 licensed child placing agencies.

31 (g) An attorney or licensed child placing agency shall inform a birth
 32 mother of the penalties for committing adoption deception under
 33 section 9.5 of this chapter before the attorney or agency transfers a
 34 payment for adoption related expenses under subsection (d) in relation
 35 to the birth mother.

36 (h) The limitations in this section apply regardless of the state or
 37 country in which the adoption is finalized.

38 SECTION 86. IC 35-52-22-5, AS ADDED BY P.L.169-2014,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JANUARY 1, 2023]: Sec. 5. IC 22-4-11.5-10 defines a crime
 41 concerning the ~~unemployment~~ **reemployment assistance**
 42 compensation system.



1 SECTION 87. IC 35-52-22-6, AS ADDED BY P.L.169-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2023]: Sec. 6. IC 22-4-19-6 defines a crime concerning
4 the ~~unemployment~~ **reemployment assistance** compensation system.
5 SECTION 88. IC 35-52-22-7, AS ADDED BY P.L.169-2014,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JANUARY 1, 2023]: Sec. 7. IC 22-4-29-14 defines a crime concerning
8 the ~~unemployment~~ **reemployment assistance** compensation system.
9 SECTION 89. IC 35-52-22-7.5, AS ADDED BY P.L.169-2014,
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JANUARY 1, 2023]: Sec. 7.5. IC 22-4-34-2 defines a crime concerning
12 the ~~unemployment~~ **reemployment assistance** compensation system.
13 SECTION 90. IC 35-52-22-8, AS ADDED BY P.L.169-2014,
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JANUARY 1, 2023]: Sec. 8. IC 22-4-34-3 defines a crime concerning
16 the ~~unemployment~~ **reemployment assistance** compensation system.
17 SECTION 91. IC 35-52-22-9, AS ADDED BY P.L.169-2014,
18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JANUARY 1, 2023]: Sec. 9. IC 22-4-34-4 defines a crime concerning
20 the ~~unemployment~~ **reemployment assistance** compensation system.
21 SECTION 92. IC 35-52-22-10, AS ADDED BY P.L.169-2014,
22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JANUARY 1, 2023]: Sec. 10. IC 22-4-34-5 defines a crime concerning
24 the ~~unemployment~~ **reemployment assistance** compensation system.

