



Reprinted
February 26, 2016

ENGROSSED HOUSE BILL No. 1344

DIGEST OF HB 1344 (Updated February 25, 2016 3:03 pm - DI 92)

Citations Affected: IC 22-4; IC 22-4.1.

Synopsis: Unemployment insurance. Abolishes the Indiana unemployment compensation board and transfers the board's duties to the department of workforce development (department). Provides that after an individual begins receiving benefits, the individual must visit and receive an orientation to the services available through a one stop center in order to maintain eligibility to receive benefits. Exempts
(Continued next page)

Effective: Upon passage; July 1, 2016.

Leonard, Wesco
(SENATE SPONSORS — BOOTS, KENLEY)

January 12, 2016, read first time and referred to Committee on Employment, Labor and Pensions.

January 19, 2016, amended, reported — Do Pass.

January 21, 2016, read second time, ordered engrossed. Engrossed.

January 25, 2016, read third time, passed. Yeas 67, nays 27.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Pensions & Labor.

February 11, 2016, reassigned to Committee on Appropriations pursuant to Rule 68(b).

February 18, 2016, amended, reported favorably — Do Pass.

February 25, 2016, read second time, amended, ordered engrossed.

EH 1344—LS 6782/DI 102



Digest Continued

certain individuals from the orientation requirement. Allows the department to waive the orientation requirement under certain circumstances. Requires the department to submit a report to the general assembly and the governor before December 1 of each year concerning the status of the unemployment compensation system. Requires the department to make a presentation at each meeting of the budget committee held before November 1, 2016, concerning this same information. Limits the amount of money from the special employment and training services fund that can be used by the department for certain purposes to not more than \$5,000,000 per state fiscal year. Provides that grants from the special employment and training services fund to various state educational institutions for apprenticeship programs and training and counseling assistance are contingent only on the availability of money and do not require approval by the department. Makes conforming amendments.



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February 26, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1344

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

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

- 1 SECTION 1. IC 22-4-2-3 IS REPEALED [EFFECTIVE UPON
2 PASSAGE]. ~~Sec. 3. "Board" means the unemployment insurance board~~
3 ~~established by this article.~~
- 4 SECTION 2. IC 22-4-2-34, AS AMENDED BY P.L.12-2011,
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 UPON PASSAGE]: Sec. 34. (a) With respect to benefits for weeks of
7 unemployment beginning after August 13, 1981, "extended benefit
8 period" means a period which begins with the third week after a week
9 for which there is a state "on" indicator and ends with the later of the
10 following:
- 11 (1) The third week after the first week for which there is a state
12 "off" indicator.
- 13 (2) The thirteenth consecutive week of such period.
- 14 (b) However, no extended benefit period may begin by reason of a
15 state "on" indicator before the fourteenth week following the end of a
16 prior extended benefit period which was in effect with respect to this
17 state.

EH 1344—LS 6782/DI 102



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

- 6 (1) equaled or exceeded one hundred twenty percent (120%) of
7 the average of such rates for the corresponding 13-week period
8 ending in each of the preceding two (2) calendar years; and
9 (2) equaled or exceeded five percent (5%).

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

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

- 19 (1) the average rate of total unemployment in Indiana, seasonally
20 adjusted, as determined by the United States Secretary of Labor,
21 for the period consisting of the most recent three (3) months for
22 which data for all states are published before the close of the
23 week, equals or exceeds six and five-tenths percent (6.5%); and
24 (2) the average rate of total unemployment in Indiana, seasonally
25 adjusted, as determined by the United States Secretary of Labor,
26 for the three (3) month period referred to in subdivision (1) equals
27 or exceeds one hundred ten percent (110%) of the average for
28 either or both of the corresponding three (3) month periods ending
29 in the two (2) preceding calendar years.

30 There is a state "off" indicator for a week if either of the requirements
31 in subdivisions (1) and (2) are not satisfied. However, any week for
32 which there would otherwise be a state "on" indicator under this section
33 continues to be subject to the "on" indicator and shall not be considered
34 a week for which there is a state "off" indicator. This subsection expires
35 on the later of December 5, 2009, or the week ending four (4) weeks
36 before the last week for which federal sharing is authorized by Section
37 2005(a) of Division B, Title II (the federal Assistance to Unemployed
38 Workers and Struggling Families Act) of the federal American
39 Recovery and Reinvestment Act of 2009 (P.L. 111-5).

40 (e) There is a state "off" indicator for this state for a week if the
41 commissioner determines, in accordance with the regulations of the
42 United States Secretary of Labor, that for the period consisting of such



1 week and the immediately preceding twelve (12) weeks, the
2 requirements of subsection (c) have not been met.

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

6 (1) the average weekly number of individuals filing claims for
7 regular compensation in this state for weeks of unemployment
8 with respect to the most recent 13 consecutive week period (as
9 determined by the **board department** on the basis of this state's
10 reports to the United States Secretary of Labor); by

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

14 (g) "Regular benefits" means benefits payable to an individual under
15 this article or under the law of any other state (including benefits
16 payable to federal civilian employees and to ex-servicemen pursuant to
17 5 U.S.C. 8501 through 8525) other than extended benefits. "Additional
18 benefits" means benefits other than extended benefits and which are
19 totally financed by a state payable to exhaustees by reason of
20 conditions of high unemployment or by reason of other special factors
21 under the provisions of any state law. If extended compensation is
22 payable to an individual by this state and additional compensation is
23 payable to the individual for the same week by any state, the individual
24 may elect which of the two (2) types of compensation to claim.

25 (h) "Extended benefits" means benefits (including benefits payable
26 to federal civilian employees and to ex-servicemen pursuant to 5
27 U.S.C. 8501 through 8525) payable to an individual under the
28 provisions of this article for weeks of unemployment in the individual's
29 "eligibility period". Pursuant to Section 3304 of the Internal Revenue
30 Code extended benefits are not payable to interstate claimants filing
31 claims in an agent state which is not in an extended benefit period,
32 against the liable state of Indiana when the state of Indiana is in an
33 extended benefit period. This prohibition does not apply to the first two
34 (2) weeks claimed that would, but for this prohibition, otherwise be
35 payable. However, only one (1) such two (2) week period will be
36 granted on an extended claim. Notwithstanding any other provisions of
37 this chapter, with respect to benefits for weeks of unemployment
38 beginning after October 31, 1981, if the benefit year of any individual
39 ends within an extended benefit period, the remaining balance of
40 extended benefits that the individual would, but for this clause, be
41 entitled to receive in that extended benefit period, with respect to
42 weeks of unemployment beginning after the end of the benefit year,



1 shall be reduced (but not below zero (0)) by the product of the number
2 of weeks for which the individual received any amounts as trade
3 readjustment allowances within that benefit year, multiplied by the
4 individual's weekly benefit amount for extended benefits.

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

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

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

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

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

35 (2) may be entitled to regular benefits with respect to future
36 weeks of unemployment but such benefits are not payable with
37 respect to such week of unemployment by reason of seasonal
38 limitations in any state unemployment insurance law; or

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



1 and has no right to unemployment benefits or allowances, as the case
2 may be, under the Railroad Unemployment Insurance Act, the Trade
3 Act of 1974, the Automotive Products Trade Act of 1965 and such
4 other federal laws as are specified in regulations issued by the United
5 States Secretary of Labor, and has not received and is not seeking
6 unemployment benefits under the unemployment compensation law of
7 Canada; but if the individual is seeking such benefits and the
8 appropriate agency finally determines that the individual is not entitled
9 to benefits under such law, the individual is considered an exhaustee.

10 (k) "State law" means the unemployment insurance law of any state,
11 approved by the United States Secretary of Labor under Section 3304
12 of the Internal Revenue Code.

13 (l) With respect to compensation for weeks of unemployment
14 beginning after March 1, 2011, and ending on the later of December
15 10, 2011, or the week ending four (4) weeks before the last week for
16 which federal sharing is authorized by Section 2005(a) of Division B,
17 Title II (the federal Assistance to Unemployed and Struggling Families
18 Act) of the federal American Recovery and Reinvestment Act of 2009
19 (P.L. 111-5), in addition to the tests for a state "on" indicator under
20 subsections (c) and (d), there is a state "on" indicator for a week if:

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

24 (2) the average rate of insured unemployment for the period
25 consisting of the week and the immediately preceding twelve (12)
26 weeks equals or exceeds one hundred twenty percent (120%) of
27 the average rates of insured unemployment for the corresponding
28 thirteen (13) week period ending in each of the preceding three
29 (3) calendar years.

30 (m) There is a state "off" indicator for a week based on the rate of
31 insured unemployment only if the rate of insured unemployment for the
32 period consisting of the week and the immediately preceding twelve
33 (12) weeks does not result in an "on" indicator under subsection (c)(1).

34 (n) With respect to compensation for weeks of unemployment
35 beginning after March 1, 2011, and ending on the later of December
36 10, 2011, or the week ending four (4) weeks before the last week for
37 which federal sharing is authorized by Section 2005(a) of Division B,
38 Title II (the federal Assistance to Unemployed and Struggling Families
39 Act) of the federal American Recovery and Reinvestment Act of 2009
40 (P.L. 111-5), in addition to the tests for a state "on" indicator under
41 subsections (c), (d), and (l) there is a state "on" indicator for a week if:

42 (1) the average rate of total unemployment (seasonally adjusted),



1 as determined by the United States Secretary of Labor, for the
 2 period consisting of the most recent three (3) months for which
 3 data for all states are published before the close of the week
 4 equals or exceeds six and one-half percent (6.5%); and

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

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

16 SECTION 3. IC 22-4-4-1 IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE UPON PASSAGE]: Sec. 1. "Remuneration" whenever
 18 used in this article, unless the context clearly denotes otherwise, means
 19 all compensation for personal services, including but not limited to
 20 commissions, bonuses, dismissal pay, vacation pay, sick pay (subject
 21 to the provisions of section 2(b)(2) of this chapter) payments in lieu of
 22 compensation for services, and cash value of all compensation paid in
 23 any medium other than cash. The reasonable cash value of
 24 compensation paid in any medium other than cash may be estimated
 25 and determined in accordance with rules prescribed by the ~~board~~
 26 **department**. Such term shall not, however, include the value of meals,
 27 lodging, books, tuition, or educational facilities furnished to a student
 28 while such student is attending an established school, college,
 29 university, hospital, or training course for services performed within
 30 the regular school term or school year, including the customary
 31 vacation days or periods falling within such school term or school year.

32 SECTION 4. IC 22-4-7-1, AS AMENDED BY P.L.121-2014,
 33 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 1. (a) Before January 1, 2015, "employer"
 35 means:

36 (1) any employing unit which for some portion of a day, but not
 37 necessarily simultaneously, in each of twenty (20) different
 38 weeks, whether or not such weeks are or were consecutive within
 39 either the current or the preceding year, has or had in
 40 employment, and/or has incurred liability for wages payable to,
 41 one (1) or more individuals (irrespective of whether the same
 42 individual or individuals are or were employed in each such day);



1 or

2 (2) any employing unit which in any calendar quarter in either the
3 current or preceding calendar year paid for service in employment
4 wages of one thousand five hundred dollars (\$1,500) or more,
5 except as provided in section 2(e), 2(h), and 2(i) of this chapter.

6 (b) After December 31, 2014, "employer" means either of the
7 following:

8 (1) An employing unit that has incurred liability for wages
9 payable to one (1) or more individuals.

10 (2) An employing unit that in any calendar quarter during the
11 current or preceding calendar year paid for service in employment
12 wages of one dollar (\$1) or more, except as provided in section
13 2(e), 2(h), and 2(i) of this chapter.

14 (c) For the purpose of this definition, if any week includes both
15 December 31, and January 1, the days up to January 1 shall be deemed
16 one (1) calendar week and the days beginning January 1 another such
17 week.

18 (d) For purposes of this section, "employment" shall include
19 services which would constitute employment but for the fact that such
20 services are deemed to be performed entirely within another state
21 pursuant to an election under an arrangement entered into by the ~~board~~
22 **department** (pursuant to IC 22-4-22) and an agency charged with the
23 administration of any other state or federal unemployment
24 compensation law.

25 SECTION 5. IC 22-4-8-3, AS AMENDED BY P.L.2-2007,
26 SECTION 292, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE UPON PASSAGE]: Sec. 3. "Employment" shall not
28 include the following:

29 (1) Except as provided in section 2(i) of this chapter, service
30 performed prior to January 1, 1978, in the employ of this state,
31 any other state, any town or city, or political subdivision, or any
32 instrumentality of any of them, other than service performed in
33 the employ of a municipally owned public utility as defined in this
34 article; or service performed in the employ of the United States of
35 America, or an instrumentality of the United States immune under
36 the Constitution of the United States from the contributions
37 imposed by this article, except that to the extent that the Congress
38 of the United States shall permit states to require any
39 instrumentalities of the United States to make payments into an
40 unemployment fund under a state unemployment compensation
41 statute, all of the provisions of this article shall be applicable to
42 such instrumentalities, in the same manner, to the same extent,



1 and on the same terms as to all other employers, employing units,
2 individuals, and services. However, if this state shall not be
3 certified for any year by the Secretary of Labor under Section
4 3304 of the Internal Revenue Code the payments required of such
5 instrumentalities with respect to such year shall be refunded by
6 the commissioner from the fund in the same manner and within
7 the same period as is provided in IC 22-4-32-19 with respect to
8 contribution erroneously paid or wrongfully assessed.

9 (2) Service with respect to which unemployment compensation is
10 payable under an unemployment compensation system
11 established by an Act of Congress; however, the department is
12 authorized to enter into agreements with the proper agencies
13 under such Act of Congress which agreements shall become
14 effective ten (10) days after publication thereof, in accordance
15 with rules adopted by the department under IC 4-22-2, to provide
16 reciprocal treatment to individuals who have, after acquiring
17 potential rights to benefits under this article, acquired rights to
18 unemployment compensation under such Act of Congress, or who
19 have, after having acquired potential rights to unemployment
20 compensation under such Act of Congress, acquired rights to
21 benefits under this article.

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

24 (A) on a farm, in the employ of any person, in connection with
25 cultivating the soil or in connection with raising or harvesting
26 any agricultural or horticultural commodity, including the
27 raising, shearing, feeding, caring for, training, and
28 management of livestock, bees, poultry, and furbearing
29 animals and wildlife;

30 (B) in the employ of the owner or tenant or other operator of
31 a farm, in connection with the operation, management,
32 conservation, improvement, or maintenance of such farm and
33 its tools and equipment, or in salvaging timber or clearing land
34 of brush and other debris left by a hurricane, if the major part
35 of such service is performed on a farm;

36 (C) in connection with the production or harvesting of any
37 commodity defined as an agricultural commodity in Section
38 15(g) of the Agricultural Marketing Act (12 U.S.C. 1141j(g))
39 as amended, or in connection with the operation or
40 maintenance of ditches, canals, reservoirs, or waterways, not
41 owned or operated for profit, used exclusively for supplying
42 and storing water for farming purposes;



- 1 (D) in the employ of:
 2 (i) the operator of a farm in handling, planting, drying,
 3 packing, packaging, processing, freezing, grading, storing,
 4 or delivering to storage or to market or to a carrier for
 5 transportation to market, in its unmanufactured state, any
 6 agricultural or horticultural commodity; but only if such
 7 operator produced more than one-half (1/2) of the
 8 commodity with respect to which such service is performed;
 9 or
 10 (ii) a group of operators of farms (or a cooperative
 11 organization of which such operators are members) in the
 12 performance of service described in item (i), but only if such
 13 operators produce more than one-half (1/2) of the
 14 commodity with respect to which such service is performed;
 15 except the provisions of items (i) and (ii) shall not be deemed
 16 to be applicable with respect to service performed in
 17 connection with commercial canning or commercial freezing
 18 or in connection with any agricultural or horticultural
 19 commodity after its delivery to a terminal market for
 20 distribution for consumption; or
 21 (E) on a farm operated for profit if such service is not in the
 22 course of the employer's trade or business or is domestic
 23 service in a private home of the employer.
- 24 (4) As used in subdivision (3), "farm" includes stock, dairy,
 25 poultry, fruit, furbearing animals, and truck farms, nurseries,
 26 orchards, greenhouses, or other similar structures used primarily
 27 for the raising of agricultural or horticultural commodities.
- 28 (5) Domestic service in a private home, local college club, or
 29 local chapter of a college fraternity or sorority, except as provided
 30 in section 2(m) of this chapter.
- 31 (6) Service performed on or in connection with a vessel or aircraft
 32 not an American vessel or American aircraft, if the employee is
 33 employed on and in connection with such vessel or aircraft when
 34 outside the United States.
- 35 (7) Service performed by an individual in the employ of child or
 36 spouse, and service performed by a child under the age of
 37 twenty-one (21) in the employ of a parent.
- 38 (8) Service not in the course of the employing unit's trade or
 39 business performed in any calendar quarter by an individual,
 40 unless the cash remuneration paid for such service is fifty dollars
 41 (\$50) or more and such service is performed by an individual who
 42 is regularly employed by such employing unit to perform such



1 service. For the purposes of this subdivision, an individual shall
2 be deemed to be regularly employed to perform service not in the
3 course of an employing unit's trade or business during a calendar
4 quarter only if:

5 (A) on each of some of twenty-four (24) days during such
6 quarter such individual performs such service for some portion
7 of the day; or

8 (B) such individual was regularly employed (as determined
9 under clause (A)) by such employing unit in the performance
10 of such service during the preceding calendar quarter.

11 (9) Service performed by an individual in any calendar quarter in
12 the employ of any organization exempt from income tax under
13 Section 501 of the Internal Revenue Code (except those services
14 included in sections 2(i) and 2(j) of this chapter if the
15 remuneration for such service is less than fifty dollars (\$50)).

16 (10) Service performed in the employ of a hospital, if such service
17 is performed by a patient of such hospital.

18 (11) Service performed in the employ of a school or eligible
19 postsecondary educational institution if the service is performed:

20 (A) by a student who is enrolled and is regularly attending
21 classes at the school or eligible postsecondary educational
22 institution; or

23 (B) by the spouse of such a student, if such spouse is advised,
24 at the time such spouse commences to perform such service,
25 that:

26 (i) the employment of such spouse to perform such service
27 is provided under a program to provide financial assistance
28 to such student by the school or eligible postsecondary
29 educational institution; and

30 (ii) such employment will not be covered by any program of
31 unemployment insurance.

32 (12) Service performed by an individual who is enrolled at a
33 nonprofit or public educational institution which normally
34 maintains a regular faculty and curriculum and normally has a
35 regularly organized body of students in attendance at the place
36 where its educational activities are carried on as a student in a
37 full-time program, taken for credit at such institution, which
38 combines academic instruction with work experience, if such
39 service is an integral part of such program, and such institution
40 has so certified to the employer, except that this subdivision shall
41 not apply to service performed in a program established for or on
42 behalf of an employer or group of employers.



- 1 (13) Service performed in the employ of a government foreign to
2 the United States of America, including service as a consular or
3 other officer or employee or a nondiplomatic representative.
- 4 (14) Service performed in the employ of an instrumentality
5 wholly owned by a government foreign to that of the United
6 States of America, if the service is of a character similar to that
7 performed in foreign countries by employees of the United States
8 of America or of an instrumentality thereof, and if the ~~board~~
9 **department** finds that the Secretary of State of the United States
10 has certified to the Secretary of the Treasury of the United States
11 that the government, foreign to the United States, with respect to
12 whose instrumentality exemption is claimed, grants an equivalent
13 exemption with respect to similar service performed in such
14 country by employees of the United States and of
15 instrumentalities thereof.
- 16 (15) Service performed as a student nurse in the employ of a
17 hospital or nurses' training school by an individual who is
18 enrolled and is regularly attending classes in a nurses' training
19 school chartered or approved pursuant to state law; and service
20 performed as an intern in the employ of a hospital by an
21 individual who has completed a four (4) year course in a medical
22 school chartered or approved pursuant to state law.
- 23 (16) Service performed by an individual as an insurance producer
24 or as an insurance solicitor, if all such service performed by such
25 individual is performed for remuneration solely by way of
26 commission.
- 27 (17) Service performed by an individual:
- 28 (A) under the age of eighteen (18) in the delivery or
29 distribution of newspapers or shopping news, not including
30 delivery or distribution to any point for subsequent delivery or
31 distribution; or
- 32 (B) in, and at the time of, the sale of newspapers or magazines
33 to ultimate consumers, under an arrangement under which the
34 newspapers or magazines are to be sold by the individual at a
35 fixed price, the individual's compensation being based on the
36 retention of the excess of such price over the amount at which
37 the newspapers or magazines are charged to the individual,
38 whether or not the individual is guaranteed a minimum amount
39 of compensation for such service, or is entitled to be credited
40 with the unsold newspapers or magazines turned back.
- 41 (18) Service performed in the employ of an international
42 organization.



1 (19) Except as provided in IC 22-4-7-1, services covered by an
2 election duly approved by the agency charged with the
3 administration of any other state or federal unemployment
4 compensation law in accordance with an arrangement pursuant to
5 IC 22-4-22-1 through IC 22-4-22-5, during the effective period of
6 such election.

7 (20) If the service performed during one-half (1/2) or more of any
8 pay period by an individual for an employing unit constitutes
9 employment, all the services of such individual for such period
10 shall be deemed to be employment; but if the services performed
11 during more than one-half (1/2) of any pay period by such an
12 individual do not constitute employment, then none of the
13 services of such individual for such period shall be deemed to be
14 employment. As used in this subsection, "pay period" means a
15 period of not more than thirty-one (31) consecutive days for
16 which a payment of remuneration is ordinarily made to the
17 individual by the employing unit. This subsection shall not be
18 applicable with respect to services performed in a pay period by
19 any such individual where any such service is excepted by
20 subdivision (2).

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

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

25 SECTION 6. IC 22-4-9-6 IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE UPON PASSAGE]: Sec. 6. Every employer subject to
27 this article or who has ceased to be subject to this article pursuant to
28 section 2 of this chapter shall post and maintain printed notices thereof
29 on its premises of such design, in such numbers, and at such places as
30 the ~~board~~ **department** may determine to be necessary to give such
31 notice to persons in its service and may furnish for such purposes. Such
32 employer shall also cause to be distributed to employees any booklets,
33 pamphlets, leaflets, or other literature or materials supplied and
34 furnished to such employer by the department and which contain
35 instructions to employees on the filing of claims or which relate to the
36 rights of employees under this article and are deemed by the ~~board~~
37 **department** to promote the proper and efficient administration of this
38 article.

39 SECTION 7. IC 22-4-11-2, AS AMENDED BY P.L.183-2015,
40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 2. (a) Except as provided in IC 22-4-10-6 and
42 IC 22-4-11.5, the department shall for each year determine the



1 contribution rate applicable to each employer.

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

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

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

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

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

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

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

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

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

37 (A) the delinquency; or

38 (B) failure to file the reports;

39 whichever is the later date. The **board department** or the **board's**
40 **department's** designee may waive the imposition of rates under this
41 subsection if the **board department** finds the employer's failure to meet
42 the deadlines was for excusable cause. The department shall give



1 written notice to the employer before this additional condition or
 2 requirement shall apply. An employer's rate under this subsection may
 3 not exceed twelve percent (12%).

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

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

15 STEP ONE: Divide:

16 (A) the employer's taxable wages for the preceding calendar
 17 year; by

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

19 STEP TWO: Subtract:

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

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

23 STEP THREE: Multiply the quotient determined under STEP
 24 ONE by the difference determined under STEP TWO.

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

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

33 (2) deposited in the unemployment insurance benefit fund
 34 established under IC 22-4-26.

35 (g) Except as otherwise provided in IC 22-4-37-3, this subsection,
 36 instead of subsection (b)(2), applies to an employer in the construction
 37 industry. As used in the subsection, "construction industry" means
 38 business establishments whose proper primary classification in the
 39 current edition of the North American Industry Classification System
 40 Manual - United States, published by the National Technical
 41 Information Service of the United States Department of Commerce is
 42 23 (construction). For each calendar year beginning after December 31,



1 2013, an employer's rate shall be equal to the lesser of four percent
 2 (4%) or the average of the contribution rates paid by all employers in
 3 the construction industry subject to this article during the twelve (12)
 4 months preceding the computation date, unless:

5 (1) the employer has been subject to this article throughout the
 6 thirty-six (36) consecutive calendar months immediately
 7 preceding the computation date;

8 (2) there has been some annual payroll in each of the three (3)
 9 twelve (12) month periods immediately preceding the
 10 computation date; and

11 (3) the employer has properly filed all required contribution and
 12 wage reports, and all contributions, penalties, and interest due and
 13 owing by the employer or the employer's predecessors have been
 14 paid.

15 SECTION 8. IC 22-4-12-4, AS AMENDED BY P.L.12-2011,
 16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 UPON PASSAGE]: Sec. 4. (a) Benefits shall be computed upon the
 18 basis of wage credits of an individual in the individual's base period.
 19 Wage credits shall be reported by the employer and credited to the
 20 individual in the manner prescribed by the ~~board~~ **department**. With
 21 respect to initial claims filed for any week beginning on and after July
 22 7, 1991, the maximum total amount of benefits payable to any eligible
 23 individual during any benefit period shall not exceed twenty-six (26)
 24 times the individual's weekly benefit, or twenty-eight percent (28%) of
 25 the individual's wage credits with respect to the individual's base
 26 period, whichever is less. If such maximum total amount of benefits is
 27 not a multiple of one dollar (\$1), it shall be computed to the next lower
 28 multiple of one dollar (\$1).

29 (b) Except as provided in subsection (d), the total extended benefit
 30 amount payable to any eligible individual with respect to the
 31 individual's applicable benefit period shall be fifty percent (50%) of the
 32 total amount of regular benefits (including dependents' allowances)
 33 which were payable to the individual under this article in the applicable
 34 benefit year, or thirteen (13) times the weekly benefit amount
 35 (including dependents' allowances) which was payable to the individual
 36 under this article for a week of total unemployment in the applicable
 37 benefit year, whichever is the lesser amount.

38 (c) This subsection applies to individuals who file a disaster
 39 unemployment claim or a state unemployment insurance claim after
 40 June 1, 1990, and before June 2, 1991, or during another time specified
 41 in another state statute. An individual is entitled to thirteen (13) weeks
 42 of additional benefits, as originally determined, if:

EH 1344—LS 6782/DI 102



- 1 (1) the individual has established:
 2 (A) a disaster unemployment claim under the Stafford Disaster
 3 Relief and Emergency Assistance Act; or
 4 (B) a state unemployment insurance claim as a direct result of
 5 a major disaster;
 6 (2) all regular benefits and all disaster unemployment assistance
 7 benefits:
 8 (A) have been exhausted by the individual; or
 9 (B) are no longer payable to the individual due to the
 10 expiration of the disaster assistance period; and
 11 (3) the individual remains unemployed as a direct result of the
 12 disaster.

13 (d) For purposes of this subsection, "high unemployment period"
 14 means a period during which an extended benefit period would be in
 15 effect if IC 22-4-2-34(d)(1) were applied by substituting "eight percent
 16 (8%)" for "six and five-tenths percent (6.5%)". Effective with respect
 17 to weeks beginning in a high unemployment period, the total extended
 18 benefit amount payable to an eligible individual with respect to the
 19 applicable benefit year is equal to the least of the following amounts:

- 20 (1) Eighty percent (80%) of the total amount of regular benefits
 21 that were payable to the eligible individual under this article in
 22 the applicable benefit year.
 23 (2) Twenty (20) times the weekly benefit amount that was payable
 24 to the eligible individual under this article for a week of total
 25 unemployment in the applicable benefit year.
 26 (3) Forty-six (46) times the weekly benefit amount that was
 27 payable to the eligible individual under this article for a week of
 28 total unemployment in the applicable benefit year, reduced by the
 29 regular unemployment compensation benefits paid (or deemed
 30 paid) during the benefit year.

31 This subsection expires on the later of December 5, 2009, or the week
 32 ending four (4) weeks before the last week for which federal sharing is
 33 authorized by Section 2005(a) of Division B, Title II (the federal
 34 Assistance to Unemployed Workers and Struggling Families Act) of
 35 the federal American Recovery and Reinvestment Act of 2009 (P.L.
 36 111-5).

37 (e) For purposes of this subsection, "high unemployment period"
 38 means a period during which an extended benefit period would be in
 39 effect if IC 22-4-2-34(n)(1) were applied by substituting "eight percent
 40 (8%)" for "six and one-half percent (6.5%)". Effective with respect to
 41 weeks of unemployment beginning after March 1, 2011, and ending on
 42 the later of December 10, 2011, or the week ending four (4) weeks



1 before the last week for which federal sharing is authorized by Section
 2 2005(a) of Division B, Title II (the federal Assistance to Unemployed
 3 and Struggling Families Act) of the federal American Recovery and
 4 Reinvestment Act of 2009 (P.L. 111-5), in a high unemployment
 5 period, the total extended benefit amount payable to an eligible
 6 individual with respect to the applicable benefit year is equal to the
 7 lesser of the following amounts:

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

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

14 SECTION 9. IC 22-4-12-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in
 16 this section, the term "part-time worker" means an individual whose
 17 normal work is in an occupation in which ~~his~~ **the individual's** services
 18 are not required for the customary scheduled full-time hours prevailing
 19 in the establishment in which ~~he~~ **the individual** is employed, or who,
 20 owing to personal circumstances, does not customarily work the
 21 customary scheduled full-time hours prevailing in the establishment in
 22 which ~~he~~ **the individual** is employed.

23 (b) The ~~board~~ **department** may prescribe rules applicable to
 24 part-time workers for determining their weekly benefit amount and the
 25 wage credits required to qualify such individuals for benefits. Such
 26 rules shall, with respect to such individuals, supersede any inconsistent
 27 provisions of this article, but, so far as practicable, shall secure results
 28 reasonably equivalent to those provided in the analogous provisions of
 29 this article.

30 SECTION 10. IC 22-4-14-3, AS AMENDED BY P.L.195-2015,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2016]: Sec. 3. (a) An individual who is receiving benefits as
 33 determined under IC 22-4-15-1(c)(8) may restrict the individual's
 34 availability because of the individual's need to address the physical,
 35 psychological, or legal effects of being a victim of domestic or family
 36 violence (as defined in IC 31-9-2-42).

37 (b) An unemployed individual shall be eligible to receive benefits
 38 with respect to any week only if the individual:

39 (1) is physically and mentally able to work;

40 (2) is available for work;

41 (3) is found by the department to be making an effort to secure
 42 full-time work; and



1 (4) participates in reemployment services and reemployment and
 2 eligibility assessment activities **as required by section 3.2 of this**
 3 **chapter or** when directed by the department as provided under
 4 section 3.5 of this chapter, unless the department determines that:

5 (A) the individual has completed the reemployment services;

6 or

7 (B) failure by the individual to participate in or complete the
 8 reemployment services is excused by the director under
 9 IC 22-4-14-2(b).

10 The term "effort to secure full-time work" shall be defined by the
 11 department through rule which shall take into consideration whether
 12 such individual has a reasonable assurance of reemployment and, if so,
 13 the length of the prospective period of unemployment. However, if an
 14 otherwise eligible individual is unable to work or unavailable for work
 15 on any normal work day of the week the individual shall be eligible to
 16 receive benefits with respect to such week reduced by one-third (1/3)
 17 of the individual's weekly benefit amount for each day of such inability
 18 to work or unavailability for work.

19 (c) For the purpose of this article, unavailability for work of an
 20 individual exists in, but is not limited to, any case in which, with
 21 respect to any week, it is found:

22 (1) that such individual is engaged by any unit, agency, or
 23 instrumentality of the United States, in charge of public works or
 24 assistance through public employment, or any unit, agency, or
 25 instrumentality of this state, or any political subdivision thereof,
 26 in charge of any public works or assistance through public
 27 employment;

28 (2) that such individual is in full-time active military service of
 29 the United States, or is enrolled in civilian service as a
 30 conscientious objector to military service;

31 (3) that such individual is suspended for misconduct in
 32 connection with the individual's work; or

33 (4) that such individual is in attendance at a regularly established
 34 public or private school during the customary hours of the
 35 individual's occupation or is in any vacation period intervening
 36 between regular school terms during which the individual is a
 37 student. However, this subdivision does not apply to any
 38 individual who is attending a regularly established school, has
 39 been regularly employed and upon becoming unemployed makes
 40 an effort to secure full-time work and is available for suitable
 41 full-time work with the individual's last employer, or is available
 42 for any other full-time employment deemed suitable.



1 (d) Notwithstanding any other provisions in this section or
 2 IC 22-4-15-2, no otherwise eligible individual shall be denied benefits
 3 for any week because the individual is in training with the approval of
 4 the department, nor shall such individual be denied benefits with
 5 respect to any week in which the individual is in training with the
 6 approval of the department by reason of the application of the
 7 provisions of this section with respect to the availability for work or
 8 active search for work or by reason of the application of the provisions
 9 of IC 22-4-15-2 relating to failure to apply for, or the refusal to accept,
 10 suitable work. The department shall by rule prescribe the conditions
 11 under which approval of such training will be granted.

12 (e) Notwithstanding subsection (b), (c), or (d), or IC 22-4-15-2, an
 13 otherwise eligible individual shall not be denied benefits for any week
 14 or determined not able, available, and actively seeking work, because
 15 the individual is responding to a summons for jury service. The
 16 individual shall:

17 (1) obtain from the court proof of the individual's jury service;
 18 and

19 (2) provide to the department, in the manner the department
 20 prescribes by rule, proof of the individual's jury service.

21 SECTION 11. IC 22-4-14-3.2 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2016]: **Sec. 3.2. (a) For purposes of section 3**
 24 **of this chapter, not later than the fourth week after the week an**
 25 **individual begins receiving benefits, the individual must be**
 26 **scheduled to visit and receive an orientation to the services**
 27 **available through a one stop center (as defined by IC 22-4.1-1-5).**
 28 **The individual must appear when scheduled, but in any event, the**
 29 **individual's orientation must be completed not later than the sixth**
 30 **week after the week the individual begins receiving benefits.**

31 (b) **An individual is not required to schedule and receive the**
 32 **orientation described in subsection (a) in the following**
 33 **circumstances:**

34 (1) **The individual has a probable expectation of having**
 35 **employment available with the same employer after the**
 36 **period of unemployment ends.**

37 (2) **The individual is receiving a supplemental unemployment**
 38 **benefit under a contract or agreement.**

39 (3) **The individual is attending training or retraining**
 40 **approved by the department.**

41 (c) **The department may waive an individual from the**
 42 **requirements of this section for the same reasons provided in**



1 **section 2(e)(2), 2(e)(3), or 2(e)(4) of this chapter.**

2 SECTION 12. IC 22-4-14-11 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) For weeks
 4 of unemployment occurring after October 1, 1983, benefits may be paid
 5 to an individual on the basis of service performed in seasonal
 6 employment (as defined in IC 22-4-8-4) only if the claim is filed within
 7 the operating period of the seasonal employment. If the claim is filed
 8 outside the operating period of the seasonal employment, benefits may
 9 be paid on the basis of nonseasonal wages only.

10 (b) An employer shall file an application for a seasonal
 11 determination (as defined by IC 22-4-7-3) with the department of
 12 workforce development. A seasonal determination shall be made by the
 13 department within ninety (90) days after the filing of such an
 14 application. Until a seasonal determination by the department has been
 15 made in accordance with this section, no employer or worker may be
 16 considered seasonal.

17 (c) Any interested party may file an appeal regarding a seasonal
 18 determination within fifteen (15) calendar days after the determination
 19 by the department and obtain review of the determination in
 20 accordance with IC 22-4-32.

21 (d) Whenever an employer is determined to be a seasonal employer,
 22 the following provisions apply:

23 (1) The seasonal determination becomes effective the first day of
 24 the calendar quarter commencing after the date of the seasonal
 25 determination.

26 (2) The seasonal determination does not affect any benefit rights
 27 of seasonal workers with respect to employment before the
 28 effective date of the seasonal determination.

29 (e) If a seasonal employer, after the date of its seasonal
 30 determination, operates its business or its seasonal operation during a
 31 period or periods of twenty-six (26) weeks or more in a calendar year,
 32 the employer shall be determined by the department to have lost its
 33 seasonal status with respect to that business or operation effective at
 34 the end of the then current calendar quarter. The redetermination shall
 35 be reported in writing to the employer. Any interested party may file an
 36 appeal within fifteen (15) calendar days after the redetermination by
 37 the department and obtain review of the redetermination in accordance
 38 with IC 22-4-32.

39 (f) Seasonal employers shall keep account of wages paid to seasonal
 40 workers within the seasonal period as determined by the department
 41 and shall report these wages on a special seasonal quarterly report form
 42 provided by the department.



1 (g) The ~~board~~ **department** shall adopt rules applicable to seasonal
2 employers for determining their normal seasonal period or periods.

3 SECTION 13. IC 22-4-17-5, AS AMENDED BY P.L.175-2009,
4 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 5. (a) The governor shall appoint a review
6 board composed of three (3) members, not more than two (2) of whom
7 shall be members of the same political party, with salaries to be fixed
8 by the governor. The review board shall consist of the chairman and the
9 two (2) members who shall serve for terms of three (3) years. At least
10 one (1) member must be admitted to the practice of law in Indiana.

11 (b) Any claim pending before an administrative law judge, and all
12 proceedings therein, may be transferred to and determined by the
13 review board upon its own motion, at any time before the
14 administrative law judge announces a decision. ~~Any claim pending~~
15 ~~before either an administrative law judge or the review board may be~~
16 ~~transferred to the board for determination at the direction of the board.~~
17 If the review board considers it advisable to procure additional
18 evidence, it may direct the taking of additional evidence within a time
19 period it shall fix. An employer that is a party to a claim transferred to
20 the review board ~~or the board~~ under this subsection is entitled to
21 receive notice in accordance with section 6 of this chapter of the
22 transfer or any other action to be taken under this section before a
23 determination is made or other action concerning the claim is taken.

24 (c) Any proceeding so removed to the review board shall be heard
25 by a quorum of the review board in accordance with the requirements
26 of section 3 of this chapter. The review board shall notify the parties to
27 any claim of its decision, together with its reasons for the decision.

28 (d) Members of the review board, when acting as administrative law
29 judges, are subject to section 15 of this chapter.

30 (e) The review board may on the board's own motion affirm, modify,
31 set aside, remand, or reverse the findings, conclusions, or orders of an
32 administrative law judge on the basis of any of the following:

33 (1) Evidence previously submitted to the administrative law
34 judge.

35 (2) The record of the proceeding after the taking of additional
36 evidence as directed by the review board.

37 (3) A procedural error by the administrative law judge.

38 SECTION 14. IC 22-4-17-7, AS AMENDED BY P.L.108-2006,
39 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 7. In the discharge of the duties imposed by
41 this article, ~~any member of the board~~, the department, the review board,
42 ~~or~~ an administrative law judge, or any duly authorized representative



1 of any of them, shall have power to administer oaths and affirmations,
 2 take depositions, certify to official acts, and issue and serve subpoenas
 3 to compel the attendance of witnesses and the production of books,
 4 papers, correspondence, memoranda, and other records deemed
 5 necessary as evidence in connection with the disputed claim or the
 6 administration of this article.

7 SECTION 15. IC 22-4-17-8, AS AMENDED BY P.L.108-2006,
 8 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 UPON PASSAGE]: Sec. 8. In case of contumacy by, or refusal to obey
 10 a subpoena issued to, any person in the administration of this article,
 11 any court of this state within the jurisdiction of which the inquiry is
 12 carried on or within the jurisdiction of which said person guilty of
 13 contumacy or refusal to obey is found or resides or transacts business,
 14 upon application by ~~the board~~, the department, or the review board, or
 15 a duly authorized representative of ~~any~~ **either** of these, shall have
 16 jurisdiction to issue to such person an order requiring such person to
 17 appear before ~~the board~~, the department, the review board, an
 18 administrative law judge, or the duly authorized representative of any
 19 of these, there to produce evidence if so ordered, or there to give
 20 testimony touching the matter in question or under investigation. Any
 21 failure to obey such order of the court may be punished by said court
 22 as a contempt thereof.

23 SECTION 16. IC 22-4-17-9, AS AMENDED BY P.L.108-2006,
 24 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 9. No person shall be excused from attending
 26 and testifying or from producing books, papers, correspondence,
 27 memoranda, and other records before ~~the board~~, the department, the
 28 review board, an administrative law judge, or the duly authorized
 29 representative of any of them, in obedience to the subpoena of any of
 30 them in any cause or proceeding before any of them on the ground that
 31 the testimony or evidence, documentary or otherwise, required of the
 32 person may tend to incriminate the person or subject the person to a
 33 penalty or forfeiture, but no individual shall be prosecuted or subjected
 34 to any penalty or forfeiture for or on account of any transaction, matter,
 35 or thing concerning which the person is compelled after having claimed
 36 the privilege against self-incrimination to testify or produce evidence,
 37 documentary or otherwise, except that such individual so testifying
 38 shall not be exempt from prosecution and punishment for perjury
 39 committed in so testifying. Any testimony or evidence submitted in due
 40 course before ~~the board~~, the department, the review board, an
 41 administrative law judge, or any duly authorized representative of any
 42 of them, shall be deemed a communication presumptively privileged



1 with respect to any civil action except actions to enforce the provisions
2 of this article.

3 SECTION 17. IC 22-4-17-14, AS AMENDED BY P.L.108-2006,
4 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 14. (a) This section applies to notices given
6 under sections 2, 3, 11, and 12 of this chapter. This section does not
7 apply to rules adopted by ~~the board or~~ the department, unless
8 specifically provided.

9 (b) As used in this section, "notices" includes mailings of notices,
10 determinations, decisions, orders, motions, or the filing of any
11 document with the appellate division or review board.

12 (c) If a notice is served through the United States mail, three (3)
13 days must be added to a period that commences upon service of that
14 notice.

15 (d) The filing of a document with the appellate division or review
16 board is complete on the earliest of the following dates that apply to the
17 filing:

18 (1) The date on which the document is delivered to the appellate
19 division or review board.

20 (2) The date of the postmark on the envelope containing the
21 document if the document is mailed to the appellate division or
22 review board by the United States Postal Service.

23 (3) The date on which the document is deposited with a private
24 carrier, as shown by a receipt issued by the carrier, if the
25 document is sent to the appellate division or review board by a
26 private carrier.

27 SECTION 18. IC 22-4-17-15 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) An
29 administrative law judge may not preside over or otherwise participate
30 in the hearing or disposition of an appeal in which the judge's
31 impartiality might reasonably be questioned, including instances where
32 the judge:

33 (1) has:

34 (A) personal bias or prejudice concerning a party; or

35 (B) personal knowledge of disputed evidentiary facts
36 concerning the appeal;

37 (2) has served as a lawyer in the matter in controversy; or

38 (3) knows that the judge has any direct or indirect financial or
39 other interest in the subject matter of an appeal or in a party to the
40 appeal.

41 (b) Disqualification of an administrative law judge shall be in
42 accordance with the rules adopted by the ~~Indiana unemployment~~



1 ~~insurance board.~~ **department.**

2 (c) This subsection does not apply to the disposition of ex parte
3 matters specifically authorized by statute or rule. An administrative law
4 judge may not communicate, directly or indirectly, regarding any
5 substantive issue in the appeal while the appeal is pending, with any
6 party to the appeal, or with any individual who has a direct or indirect
7 interest in the outcome of the appeal, without notice and opportunity
8 for all parties to participate in the communication.

9 SECTION 19. IC 22-4-18-1, AS AMENDED BY P.L.69-2015,
10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2016]: Sec. 1. (a) There is created a department under
12 IC 22-4.1-2-1 which shall be known as the department of workforce
13 development.

14 (b) The department of workforce development may:

15 (1) Administer the unemployment insurance program.

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

19 (3) Enter into contracts or agreements and cooperate with local
20 governmental units or corporations, including profit or nonprofit
21 corporations, or combinations of units and corporations to carry
22 out the duties of the department imposed by this article, including
23 contracts for the delegation of the department's administrative,
24 monitoring, and program responsibilities and duties set forth in
25 this article.

26 (c) The payment of unemployment insurance benefits must be made
27 in accordance with 26 U.S.C. 3304.

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

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

34 **(f) The department of workforce development shall do the**
35 **following:**

36 **(1) Submit a report to the general assembly in an electronic**
37 **format under IC 5-14-6 and to the governor before December**
38 **1 of each year concerning the status of the unemployment**
39 **compensation system, including the following:**

40 **(A) Recommendations for maintaining the solvency of the**
41 **unemployment insurance benefit fund established under**
42 **IC 22-4-26-1.**



- 1 **(B) Information regarding expenditures from the special**
 2 **employment and training services fund.**
 3 **(C) Information regarding money released under**
 4 **IC 22-4-25-1(c).**
 5 **(2) Make a presentation to the budget committee at each**
 6 **meeting of the budget committee held before November 1,**
 7 **2016, concerning the status of the unemployment**
 8 **compensation system, including the following:**
 9 **(A) Recommendations for maintaining the solvency of the**
 10 **unemployment insurance benefit fund established under**
 11 **IC 22-4-26-1.**
 12 **(B) Information regarding expenditures from the special**
 13 **employment and training services fund.**
 14 **(C) Information regarding money released under**
 15 **IC 22-4-25-1(c).**
 16 **(D) Any other information requested by the budget**
 17 **committee.**
 18 ~~(e)~~ **(g)** In addition to the duties prescribed in subsections (a) through
 19 ~~(e)~~, **(f)**, the department of workforce development shall establish,
 20 implement, and maintain a training program in the nature and dynamics
 21 of domestic and family violence for training of all employees of the
 22 department who interact with a claimant for benefits to determine
 23 whether the claim of the individual for unemployment benefits is valid
 24 and to determine that employment separations stemming from domestic
 25 or family violence are reliably screened, identified, and adjudicated and
 26 that victims of domestic or family violence are able to take advantage
 27 of the full range of job services provided by the department. The
 28 training presenters shall include domestic violence experts with
 29 expertise in the delivery of direct services to victims of domestic
 30 violence, including using the staff of shelters for battered women in the
 31 presentation of the training. The initial training shall consist of
 32 instruction of not less than six (6) hours. Refresher training shall be
 33 required annually and shall consist of instruction of not less than three
 34 (3) hours.
 35 SECTION 20. IC 22-4-18-2 IS REPEALED [EFFECTIVE UPON
 36 PASSAGE]. Sec. 2: (a) The Indiana unemployment insurance board is
 37 created. The board is responsible for the oversight of the
 38 unemployment insurance program. The board shall report annually to
 39 the governor on the status of unemployment insurance together with
 40 recommendations for maintaining the solvency of the unemployment
 41 insurance benefit fund. The department staff shall provide support to
 42 the board. The unemployment insurance board shall consist of nine (9)



1 members, who shall be appointed by the governor, as follows:

2 (1) Four (4) members shall be appointed as representatives of
3 labor and its interests:

4 (2) One (1) member shall be appointed as a representative of the
5 state and its interest and of the public at large:

6 (3) Two (2) members shall be appointed as representatives of the
7 large employers of the state:

8 (4) Two (2) members shall be appointed as representatives of the
9 independent merchants and small employers of the state:

10 All appointments shall be made for terms of four (4) years. All
11 appointments to full terms or to fill vacancies shall be made so that all
12 terms end on March 31.

13 (b) Every Indiana unemployment insurance board member so
14 appointed shall serve until a successor shall have been appointed and
15 qualified. Before entering upon the discharge of official duties, each
16 member of the board shall take and subscribe to an oath of office,
17 which shall be filed in the office of the secretary of state. Any vacancy
18 occurring in the membership of the board for any cause shall be filled
19 by appointment by the governor for the unexpired term. The governor
20 may, at any time, remove any member of the board for misconduct,
21 incapacity, or neglect of duty. Each member of the board shall be
22 entitled to receive as compensation for the member's services the sum
23 of one hundred dollars (\$100) per month for each and every month
24 which the member devotes to the actual performance of the member's
25 duties, as prescribed in this article, but the total amount of such
26 compensation shall not exceed the sum of twelve hundred dollars
27 (\$1,200) per year. In addition to the compensation hereinbefore
28 prescribed, each member of the board shall be entitled to receive the
29 amount of traveling and other necessary expenses actually incurred
30 while engaged in the performance of official duties:

31 (c) The board may hold one (1) regular meeting each month and
32 such called meetings as may be deemed necessary by the commissioner
33 or the board. The April meeting shall be known as the annual meeting.
34 Five (5) members of the board constitute a quorum for the transaction
35 of business. At its first meeting and at each annual meeting held
36 thereafter, the board shall organize by the election of a president and
37 vice president from its own number, each of whom, except those first
38 elected, shall serve for a term of one (1) year and until a successor is
39 elected:

40 SECTION 21. IC 22-4-18-2.4 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE UPON PASSAGE]: **Sec. 2.4. (a) The Indiana**

EH 1344—LS 6782/DI 102



1 unemployment insurance board and the department shall
2 cooperate to provide for an orderly transition of the powers, duties,
3 agreements, liabilities, records, property, and other assets as
4 described in section 2.5 of this chapter on April 1, 2016.

5 **(b) This section expires January 1, 2017.**

6 SECTION 22. IC 22-4-18-2.5 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. (a) The Indiana**
9 **unemployment insurance board is abolished on April 1, 2016.**

10 **(b) On April 1, 2016, all powers, duties, agreements, and**
11 **liabilities of the Indiana unemployment insurance board are**
12 **transferred to the department.**

13 **(c) On April 1, 2016, all records and property of the Indiana**
14 **unemployment insurance board, including appropriations or other**
15 **funds under the control or supervision of the Indiana**
16 **unemployment insurance board, are transferred to the**
17 **department.**

18 **(d) After March 31, 2016, any amounts owed to the Indiana**
19 **unemployment insurance board are considered to be owed to the**
20 **department.**

21 **(e) After March 31, 2016, a reference to the Indiana**
22 **unemployment insurance board in a statute, rule, or other**
23 **document is considered a reference to the department.**

24 **(f) Rules that were adopted by the Indiana unemployment**
25 **insurance board before April 1, 2016, shall be treated as though the**
26 **rules were adopted by the department until the department adopts**
27 **rules under IC 4-22-2 to administer this article.**

28 **(g) Proceedings that pertain to the unemployment insurance**
29 **system pending before the Indiana unemployment insurance board**
30 **on April 1, 2016, shall be transferred to the department and must**
31 **be treated as if the department was the original party.**

32 **(h) This section expires January 1, 2017.**

33 SECTION 23. IC 22-4-19-1, AS AMENDED BY P.L.108-2006,
34 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: **Sec. 1. The ~~board~~ department** shall have the
36 power and authority to adopt, amend, or rescind such rules and
37 regulations to employ such persons, make such expenditures, require
38 such reports, make such investigations and take such other action as it
39 may deem necessary or suitable for the proper administration of this
40 article. All rules and regulations issued under the provisions of this
41 article shall be effective upon publication in the manner hereinafter
42 provided and shall have the force and effect of law. The ~~board~~



1 **department** may prescribe the extent, if any, to which any rule or
 2 regulation so issued or legal interpretation of this article shall be with
 3 or without retroactive effect. Whenever the ~~board~~ **department** believes
 4 that a change in contribution or benefit rates will become necessary to
 5 protect the solvency of the unemployment insurance benefit fund, ~~it the~~
 6 **department** shall promptly so inform the governor and the general
 7 assembly, and make recommendations with respect thereto.

8 SECTION 24. IC 22-4-19-4 IS REPEALED [EFFECTIVE UPON
 9 PASSAGE]. ~~Sec. 4. Subject to the further provisions of this article, the~~
 10 ~~board is authorized to appoint, fix the compensation, and prescribe the~~
 11 ~~duties and powers of such officers, accountants, attorneys, experts, and~~
 12 ~~other persons as may be necessary in the performance of its duties. All~~
 13 ~~positions shall be filled by persons selected and appointed as provided~~
 14 ~~in this section. The board may authorize any such person so appointed~~
 15 ~~to do any act or acts which would lawfully be done by the board and~~
 16 ~~may, in its discretion, require suitable bond from any person charged~~
 17 ~~with the custody of any money or securities.~~

18 SECTION 25. IC 22-4-19-7, AS AMENDED BY P.L.175-2009,
 19 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 7. In any case where an employing unit, or
 21 any officer, member, or agent thereof or any other person having
 22 possession of the records thereof, shall fail or refuse upon demand by
 23 ~~the board~~, the department, the review board, or an administrative law
 24 judge, or the duly authorized representative of any of them, to produce
 25 or permit the examination or copying of any book, paper, account,
 26 record, or other data pertaining to payrolls or employment or ownership
 27 of interests or stock in any employing unit, or bearing upon the
 28 correctness of any contribution report, or for the purpose of making a
 29 report as required by this article where none has been made, then and
 30 in that event ~~the board~~, the department, the review board, or the
 31 administrative law judge, or the duly authorized representative of any
 32 of them, may by issuance of a subpoena require the attendance of such
 33 employing unit, or any officer, member, or agent thereof or any other
 34 person having possession of the records thereof, and take testimony
 35 with respect to any such matter and may require any such person to
 36 produce any books or records specified in such subpoena.

37 SECTION 26. IC 22-4-19-8, AS AMENDED BY P.L.108-2006,
 38 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 8. (a) ~~The board~~, The department, the review
 40 board, or the administrative law judge, or the duly authorized
 41 representative of any of them, at any such hearing shall have power to
 42 administer oaths to any such person or persons. When any person



1 called as a witness by such subpoena, duly signed, and served upon the
 2 witness by any duly authorized person or by the sheriff of the county of
 3 which such person is a resident, or wherein is located the principal
 4 office of such employing unit or wherein such records are located or
 5 kept, shall fail to obey such subpoena to appear before ~~the board~~; the
 6 department, the review board, or the administrative law judge, or the
 7 authorized representative of any of them, or shall refuse to testify or to
 8 answer any questions, or to produce any book, record, paper, or other
 9 data when notified and demanded so to do, such failure or refusal shall
 10 be reported to the attorney general for the state of ~~Indiana~~ who shall
 11 thereupon institute proceedings by the filing of a petition in the name
 12 of the state of ~~Indiana~~ on the relation of the ~~board~~, **department**, in the
 13 circuit court or superior or other court of competent jurisdiction of the
 14 county where such witness resides, or wherein such records are located
 15 or kept, to compel obedience of and by such witness.

16 (b) Such petition shall set forth the facts and circumstances of the
 17 demand for and refusal or failure to permit the examination or copying
 18 of such records or the failure or refusal of such witness to testify in
 19 answer to such subpoena or to produce the records so required by such
 20 subpoena. Such court, upon the filing and docketing of such petition
 21 shall thereupon promptly issue an order to the defendants named in
 22 said petition, to produce forthwith in such court or at a place in such
 23 county designated in such order, for the examination or copying by ~~the~~
 24 ~~board~~; the department, the review board, an administrative law judge,
 25 or the duly authorized representative of any of them, the records,
 26 books, or documents so described and to testify concerning matters
 27 described in such petition. Unless such defendants to such petition
 28 shall appear in said court upon a day specified in such order, which
 29 said day shall be not more than ten (10) days after the date of issuance
 30 of such order, and offer, under oath, good and sufficient reasons why
 31 such examination or copying should not be permitted, or why such
 32 subpoena should not be obeyed, such court shall thereupon deliver to
 33 ~~the board~~; the department, the review board, the administrative law
 34 judge, or representative of any of them, for examination or copying, the
 35 records, books and documents so described in said petition and so
 36 produced in such court and shall order said defendants to appear in
 37 answer to the subpoena, and to testify concerning the subject matter of
 38 the inquiry. Any employing unit, or any officer, member, or agent
 39 ~~thereof~~, **of the employing unit**, or any other persons having possession
 40 of the records thereof who shall willfully disobey such order of the
 41 court after the same shall have been served upon ~~him~~; **the employing**
 42 **unit, any officer, member, or agent of the employing unit, or any**



1 **other person having possession of the records** shall be guilty of
 2 indirect contempt of such court from which such order shall have
 3 issued and may be adjudged in contempt of said court and punished
 4 therefor as provided by law.

5 SECTION 27. IC 22-4-19-14 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. If the ~~board~~
 7 **department** determines that Public Law 94-566 or the federal laws it
 8 amends have been adjudged unconstitutional or invalid in its
 9 application to, or have been stayed pendente lite as to, a state or a
 10 political subdivision or an instrumentality which is wholly owned by
 11 the state and one (1) or more other states or political subdivisions and
 12 its employees by any court of competent jurisdiction, the ~~board~~
 13 **department** shall suspend the enforcement of this article with respect
 14 to these employers and employees to the extent of the adjudged
 15 unconstitutionality or inapplicability or of the stay.

16 SECTION 28. IC 22-4-20-1, AS AMENDED BY P.L.175-2009,
 17 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 1. (a) Whenever the commissioner shall
 19 consider any account or claim for contributions against an employer,
 20 and any penalty or interest due thereon, or any part thereof, to be
 21 uncollectible, written notification containing appropriate information
 22 shall be furnished to the attorney general by the commissioner setting
 23 forth the reasons therefor and the extent to which collection
 24 proceedings have been taken. The attorney general may review such
 25 notice and may undertake additional investigation as to the facts
 26 relating thereto, and shall thereupon certify to the commissioner an
 27 opinion as to the collectibility of such account or claim. If the attorney
 28 general consents to the cancellation of such claim for delinquent
 29 contributions, and any interest or penalty due thereon, the board may
 30 then cancel all or any part of such claim.

31 (b) In addition to the procedure for cancellation of claims for
 32 delinquent contributions set out in subsection (a), the ~~board~~
 33 **department** may cancel all or any part of a claim for delinquent
 34 contributions against an employer if all of the following conditions are
 35 met:

- 36 (1) The employer's account has been delinquent for at least seven
- 37 (7) years.
- 38 (2) The commissioner has determined that the account is
- 39 uncollectible and has recommended that the ~~board~~ **department**
- 40 cancel the claim for delinquent contributions.

41 (c) When any such claim or any part thereof is cancelled by the
 42 ~~board~~, **department**, there shall be placed in the files and records of the



1 department, in the appropriate place for the same, a statement of the
 2 amount of contributions, any interest or penalty due thereon, and the
 3 action of the **board department** taken with relation thereto, together
 4 with the reasons therefor.

5 SECTION 29. IC 22-4-21-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. In the
 7 administration of this article the **board department** shall cooperate to
 8 the fullest extent consistent with the provisions of this article with the
 9 federal Department of Labor, shall make such reports in such form and
 10 containing such information as the federal Department of Labor may
 11 from time to time require and shall comply with such provisions as the
 12 federal Department of Labor may from time to time find necessary to
 13 insure the correctness and verification of such reports, and shall
 14 comply with the regulations prescribed by the Secretary of Labor
 15 governing the expenditures of such sums as may be allotted and paid
 16 to the state of Indiana under 42 U.S.C. 501 through 504 or any other
 17 federal statute for the purpose of assisting in the administration of this
 18 article.

19 SECTION 30. IC 22-4-21-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Upon request
 21 therefor the **board department** shall furnish to any agency of the
 22 United States charged with the administration of public works or
 23 assistance through public employment the name, address, ordinary
 24 occupation, and employment status of each recipient of benefits and
 25 such recipient's rights to further benefits under this article.

26 SECTION 31. IC 22-4-21-4 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The **board**
 28 **department** may afford reasonable cooperation with every agency of
 29 the United States of America, or with any state charged with the
 30 administration of any unemployment compensation law.

31 SECTION 32. IC 22-4-22-1 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The **board**
 33 **department** shall enter into arrangements with the appropriate
 34 agencies of other states or jurisdictions or the United States of America
 35 whereby individuals performing services in this and other states or
 36 jurisdictions for a single employing unit under circumstances not
 37 specifically provided for in ~~IC 1971, IC 22-4-8-2(b), of this article,~~ or
 38 under similar provisions in the unemployment compensation laws of
 39 such other states or jurisdictions, shall be deemed to be employment
 40 performed entirely within this state or within one (1) of such other
 41 states or jurisdictions, and whereby potential rights to benefits
 42 accumulated under the unemployment compensation laws of several



1 states or jurisdictions, or under such a law of the United States of
 2 America, or both, may constitute the basis for the payment of benefits
 3 through a single appropriate agency under the terms which the **board**
 4 **department** finds will be fair and reasonable to all affected interests
 5 and will not result in substantial loss to the fund.

6 SECTION 33. IC 22-4-22-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The **board**
 8 **department** is authorized to enter into reciprocal arrangements with
 9 the appropriate agencies of other states or jurisdictions or the United
 10 States of America, adjusting the collection and payment of
 11 contributions by employers with respect to employment not localized
 12 within this state.

13 SECTION 34. IC 22-4-22-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The **board**
 15 **department** is authorized to enter into reciprocal agreements with the
 16 agencies of other states or jurisdictions administering unemployment
 17 compensation laws whereby the **board department** and such other
 18 agencies or jurisdictions may act as agents for each other for the
 19 purpose of accepting contributions on each other's behalf. Such
 20 contributions upon remittance to the state or jurisdiction on whose
 21 behalf such contributions were received, shall be deemed contributions
 22 required and paid into the unemployment compensation fund of such
 23 state or jurisdiction as of the date received by the agent, state or
 24 jurisdiction.

25 SECTION 35. IC 22-4-22-5, AS AMENDED BY P.L.108-2006,
 26 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 5. In order that the administration of this
 28 article and the unemployment insurance laws of other states or
 29 jurisdictions or of the United States of America will be promoted by
 30 cooperation between this state and such other states or jurisdictions or
 31 the appropriate agencies of the United States in exchanging services
 32 and making available facilities and information, ~~the board and the~~
 33 ~~department~~ **are is** authorized to make such investigations, secure and
 34 transmit such information, make available such services and facilities,
 35 and exercise such of the other powers provided in this article with
 36 respect to the administration of this article as deemed necessary or
 37 appropriate to facilitate the administration of any unemployment
 38 insurance law and in like manner to accept and utilize information,
 39 services, and facilities made available to this state by the agency or
 40 jurisdiction charged with the administration of any such other
 41 unemployment insurance law.

42 SECTION 36. IC 22-4-25-1, AS AMENDED BY P.L.69-2015,



1 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 UPON PASSAGE]: Sec. 1. (a) There is created in the state treasury a
 3 special fund to be known as the special employment and training
 4 services fund. All interest on delinquent contributions and penalties
 5 collected under this article, together with any voluntary contributions
 6 tendered as a contribution to this fund, shall be paid into this fund. The
 7 money shall not be expended or available for expenditure in any
 8 manner which would permit their substitution for (or a corresponding
 9 reduction in) federal funds which would in the absence of said money
 10 be available to finance expenditures for the administration of this
 11 article, but nothing in this section shall prevent said money from being
 12 used as a revolving fund to cover expenditures necessary and proper
 13 under the law for which federal funds have been duly requested but not
 14 yet received, subject to the charging of such expenditures against such
 15 funds when received. The money in this fund shall be used by the ~~board~~
 16 **department** for the payment of refunds of interest on delinquent
 17 contributions and penalties so collected, for the payment of costs of
 18 administration which are found not to have been properly and validly
 19 chargeable against federal grants or other funds received for or in the
 20 employment and training services administration fund, on and after
 21 July 1, 1945. Such money shall be available either to satisfy the
 22 obligations incurred by the ~~board~~ **department** directly, or by transfer
 23 by the ~~board~~ **department** of the required amount from the special
 24 employment and training services fund to the employment and training
 25 services administration fund. The ~~board~~ **department** shall order the
 26 transfer of such funds or the payment of any such obligation or
 27 expenditure and such funds shall be paid by the treasurer of state on
 28 requisition drawn by the ~~board~~ **department** directing the auditor of
 29 state to issue the auditor's warrant therefor. Any such warrant shall be
 30 drawn by the state auditor based upon vouchers certified by ~~the board~~
 31 ~~or~~ the commissioner. The money in this fund is hereby specifically
 32 made available to replace within a reasonable time any money received
 33 by this state pursuant to 42 U.S.C. 502, as amended, which, because of
 34 any action or contingency, has been lost or has been expended for
 35 purposes other than or in amounts in excess of those approved by the
 36 bureau of employment security. The money in this fund shall be
 37 continuously available to the ~~board~~ **department** for expenditures in
 38 accordance with the provisions of this section and for the prevention,
 39 detection, and recovery of delinquent contributions, penalties, and
 40 improper benefit payments, and shall not lapse at any time or be
 41 transferred to any other fund, except as provided in this article. **The**
 42 **maximum amount that may be expended by the department for the**



1 **purposes described in this subsection may not exceed five million**
 2 **dollars (\$5,000,000) in a state fiscal year.** Nothing in this section
 3 shall be construed to limit, alter, or amend the liability of the state
 4 assumed and created by IC 22-4-28, or to change the procedure
 5 prescribed in IC 22-4-28 for the satisfaction of such liability, except to
 6 the extent that such liability may be satisfied by and out of the funds of
 7 such special employment and training services fund created by this
 8 section.

9 (b) Whenever the balance in the special employment and training
 10 services fund exceeds eight million five hundred thousand dollars
 11 (\$8,500,000), the ~~board~~ **department** shall order payment of the amount
 12 that exceeds eight million five hundred thousand dollars (\$8,500,000)
 13 into the unemployment insurance benefit fund.

14 (c) Subject to ~~the approval of the board;~~ and the availability of
 15 funds, on July 1 each year the commissioner shall release:

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

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

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

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

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

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

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

37 (5) three hundred thousand dollars (\$300,000) annually for
 38 training and counseling assistance provided by the state
 39 institution established under IC 21-25-2-1 to individuals who
 40 have been unemployed for at least four (4) weeks or whose annual
 41 income is less than twenty thousand dollars (\$20,000) for the
 42 purpose of enabling those individuals to apply for admission to



1 apprenticeship programs offered by providers approved by the
 2 United States Department of Labor, Bureau of Apprenticeship and
 3 Training.
 4 (d) Each state educational institution described in subsection (c) is
 5 entitled to keep ten percent (10%) of the funds released under
 6 subsection (c) for the payment of costs of administering the funds. On
 7 each June 30 following the release of the funds, any funds released
 8 under subsection (c) not used by the state educational institutions under
 9 subsection (c) shall be returned to the special employment and training
 10 services fund.

11 SECTION 37. IC 22-4-26-1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. There is
 13 established a special fund to be known as the unemployment insurance
 14 benefit fund which shall be administered separate and apart from all
 15 public money or funds of the state. This fund shall consist of:

- 16 (1) all contributions, all payments in lieu of contributions, all
 17 money received from the federal government as reimbursements
 18 pursuant to section 204 of the Federal-State Extended
 19 Compensation Act of 1970, and all money paid into and received
 20 by it as provided in this article;
 21 (2) any property or securities and the earnings thereof acquired
 22 through the use of money belonging to the fund;
 23 (3) all other money received for the fund from any other source;
 24 (4) all money credited to this state's account in the unemployment
 25 trust fund pursuant to 42 U.S.C. 1103, as amended; and
 26 (5) interest earned from all money in the fund.

27 Subject to the provisions of this article, the ~~board~~ **department** is vested
 28 with full power, authority, and jurisdiction over the fund, including all
 29 money and property or securities belonging thereto, and may perform
 30 any and all acts whether or not specifically designated in this article
 31 which are necessary or convenient in the administration thereof
 32 consistent with the provisions of this article and the Depository Act.
 33 The money in this fund shall be used only for the payment of
 34 unemployment compensation benefits.

35 SECTION 38. IC 22-4-26-3 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The treasurer of
 37 state shall be ex officio treasurer and custodian of the fund and shall
 38 administer the fund in accordance with the provisions of this article and
 39 the directions of the commissioner and shall pay all warrants drawn
 40 upon it in accordance with such rules as the ~~board~~ **department** may
 41 prescribe. All contributions provided for in this article shall be paid to
 42 and collected by the department. All contributions and other money



1 payable to the fund as provided in this article upon receipt thereof by
 2 the department shall be paid to and deposited with the treasurer of state
 3 to the credit of the unemployment insurance benefit fund. The
 4 commissioner shall immediately order the auditor of state to issue the
 5 auditor's warrant on the treasurer of state immediately to forward such
 6 money and deposit it, together with any money earned thereby while in
 7 the treasurer's custody and any other money received by the treasurer
 8 for the payment of benefits from any source other than the
 9 unemployment trust fund, with the Secretary of the Treasury of the
 10 United States of America to the credit of the unemployment trust fund.
 11 All money belonging to the unemployment insurance benefit fund and
 12 not otherwise deposited, invested, or paid over pursuant to the
 13 provisions of this article may be deposited by the treasurer of state
 14 under the direction of the commissioner in any banks or public
 15 depositories in which general funds of the state may be deposited, but
 16 no public deposit insurance charge or premium shall be paid out of
 17 money in the unemployment insurance benefit fund, any other
 18 provisions of law to the contrary notwithstanding. The treasurer of state
 19 shall, if required by the Social Security Administration, give a separate
 20 bond conditioned upon the faithful performance of the treasurer's duties
 21 as custodian of the fund in an amount and with such sureties as shall be
 22 fixed and approved by the governor. Premiums for the said bond shall
 23 be paid as provided in IC 22-4-24.

24 SECTION 39. IC 22-4-28-1 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. If any money
 26 received after June 30, 1941, from the Social Security Administration
 27 under 42 U.S.C. 501 through 504, or any unencumbered balances in the
 28 employment and training services administration fund as of June 30,
 29 1941, or any money granted after June 30, 1941 to this state under 29
 30 U.S.C. 49 et seq. or any money made available by this state or its
 31 political subdivisions and matched by such money granted to this state
 32 under 29 U.S.C. 49 et seq. is found by the Secretary of Labor because
 33 of any action or contingency to have been lost or been expended for
 34 purposes other than or in amounts in excess of those found necessary
 35 by the Secretary of Labor for the proper administration of this article,
 36 it is the policy of this state that upon receipt of notice of such a finding
 37 by the Secretary of Labor the ~~board~~ **department** shall promptly report
 38 the amount required for such replacement to the governor, and the
 39 governor shall at the earliest opportunity submit to the general
 40 assembly a request for the appropriation of such amount. This section
 41 shall not be construed to relieve this state of its obligation with respect
 42 to funds received prior to July 1, 1941, under 49 U.S.C. 501 through



1 504.

2 SECTION 40. IC 22-4-29-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Contributions
4 unpaid on the date on which they are due and payable, as prescribed by
5 the commissioner, shall bear interest at the rate of one percent (1%) per
6 month or fraction thereof from and after such date until payment, plus
7 accrued interest, is received by the department. The **board department**
8 may prescribe fair and reasonable regulations pursuant to which such
9 interest shall not accrue.

10 (b) If the failure to pay any part or all of the delinquent contributions
11 is due to negligence or intentional disregard of authorized rules,
12 regulations, or notices, but without intent to defraud, there shall be
13 added, as a penalty, ten percent (10%) of the total amount of
14 contributions unpaid, which penalty shall become due and payable
15 upon notice and demand by the commissioner.

16 (c) If the commissioner finds that the failure to pay any part or all of
17 delinquent contributions is due to fraud with intent to evade the
18 payment of contributions, there shall be added, as a penalty, fifty
19 percent (50%) of the total amount of delinquent contributions, which
20 penalty shall become due and payable upon notice and demand by the
21 commissioner.

22 (d) Interest and penalties collected pursuant to this section shall be
23 paid into the special employment and training services fund.

24 SECTION 41. IC 22-4-29-6 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Unless an
26 assessment is paid in full within seven (7) days after it becomes final,
27 the commissioner or the commissioner's representative may file with
28 the clerk of the circuit court of any county in the state a warrant in
29 duplicate, directed to the sheriff of such county, commanding the
30 sheriff to levy upon and sell the property, real and personal, tangible
31 and intangible, of the employing unit against whom the assessment has
32 been made, in sufficient quantity to satisfy the amount thereof, plus
33 damages to the amount of ten percent (10%) of such assessment, which
34 shall be in addition to the penalties prescribed in this article for
35 delinquent payment, and in addition to the interest at the rate of one
36 percent (1%) per month upon the unpaid contribution from the date it
37 was due, to the date of payment of the warrant, and in addition to all
38 costs incident to the recording and execution thereof. The remedies by
39 garnishment and proceedings supplementary to execution as provided
40 by law shall be available to the **board department** to effectuate the
41 purposes of this chapter. Within five (5) days after receipt of a warrant
42 under this section, the clerk shall:



- 1 (1) retain the duplicate copy of the warrant;
- 2 (2) enter in the judgment record in the column for judgment
- 3 debtors the name of the employing unit stated in the warrant, or
- 4 if the employing unit is a partnership, the names of the partners;
- 5 (3) enter the amount sought by the warrant;
- 6 (4) enter the date the warrant was received; and
- 7 (5) certify the original warrant and return it to the department.

8 (b) Five (5) days after the clerk receives a warrant under subsection
 9 (a), the amount sought in the warrant, the damages to an amount of ten
 10 percent (10%) of the assessment as provided in subsection (a),
 11 penalties, and interest described in subsection (a) become a lien upon
 12 the title to and interest in the real and personal property of the
 13 employing unit.

14 SECTION 42. IC 22-4-31-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The collection
 16 of the whole or any part of the amount of such assessment may be
 17 stayed for not exceeding sixty (60) days, by filing with the ~~board~~
 18 **department** a bond in such amount, not exceeding double the amount
 19 as to which the stay is desired, and with such sureties as the ~~board~~
 20 **department** considers necessary, conditioned upon payment of the
 21 amount which may finally be found to be due after notice and
 22 opportunity to be heard as herein provided.

23 SECTION 43. IC 22-4-32-5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Upon receipt of
 25 such protest in writing, the commissioner promptly shall refer the
 26 written protest to the liability administrative law judge who shall set a
 27 date for a hearing before the liability administrative law judge and
 28 notify the interested parties thereof by registered mail. Unless such
 29 written protest is withdrawn, the liability administrative law judge,
 30 after affording the parties a reasonable opportunity for a fair hearing,
 31 shall make findings and conclusions, and, on the basis thereof, affirm,
 32 modify, or reverse the initial determination of the ~~board~~ **department**.

33 SECTION 44. IC 22-4-32-23, AS AMENDED BY P.L.42-2011,
 34 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]: Sec. 23. (a) As used in this section:

- 36 (1) "Dissolution" refers to dissolution of a corporation under
- 37 IC 23-1-45 through IC 23-1-48 or dissolution under Indiana law
- 38 of an association, a joint venture, an estate, a partnership, a
- 39 limited liability partnership, a limited liability company, a joint
- 40 stock company, or an insurance company (referred to as a
- 41 "noncorporate entity" in this section).
- 42 (2) "Liquidation" means the operation or act of winding up a



- 1 corporation's or entity's affairs, when normal business activities
 2 have ceased, by settling its debts and realizing upon and
 3 distributing its assets.
- 4 (3) "Withdrawal" refers to the withdrawal of a foreign corporation
 5 from Indiana under IC 23-1-50.
- 6 (b) The officers and directors of a corporation effecting dissolution,
 7 liquidation, or withdrawal or the appropriate individuals of a
 8 noncorporate entity shall do the following:
- 9 (1) File all necessary documents with the department in a timely
 10 manner as required by this article.
- 11 (2) Make all payments of contributions to the department in a
 12 timely manner as required by this article.
- 13 (3) File with the department a form of notification within thirty
 14 (30) days of the adoption of a resolution or plan. The form of
 15 notification shall be prescribed by the department and may
 16 require information concerning:
- 17 (A) the corporation's or noncorporate entity's assets;
 18 (B) the corporation's or noncorporate entity's liabilities;
 19 (C) details of the plan or resolution;
 20 (D) the names and addresses of corporate officers, directors,
 21 and shareholders or the noncorporate entity's owners,
 22 members, or trustees;
 23 (E) a copy of the minutes of the shareholders' meeting or the
 24 noncorporate entity's meeting at which the plan or resolution
 25 was formally adopted; and
 26 (F) such other information as the ~~board~~ **department** may
 27 require.
- 28 The commissioner may accept, in lieu of the department's form of
 29 notification, a copy of Form 966 that the corporation filed with
 30 the Internal Revenue Service.
- 31 (c) Unless a clearance is issued under subsection (g), for a period of
 32 one (1) year following the filing of the form of notification with the
 33 department, the corporate officers and directors of a corporation and
 34 the chief executive of a noncorporate entity remain personally liable,
 35 subject to IC 23-1-35-1(e), for any acts or omissions that result in the
 36 distribution of corporate or noncorporate entity assets in violation of
 37 the interests of the state. An officer or director of a corporation or a
 38 chief executive of a noncorporate entity held liable for an unlawful
 39 distribution under this subsection is entitled to contribution:
- 40 (1) from every other director who voted for or assented to the
 41 distribution, subject to IC 23-1-35-1(e); and
 42 (2) from each shareholder, owner, member, or trustee for the



- 1 amount the shareholder, owner, member, or trustee accepted.
- 2 (d) The corporation's officers' and directors' and the noncorporate
3 entity's chief executive's personal liability includes all contributions,
4 penalties, interest, and fees associated with the collection of the
5 liability due the department. In addition to the penalties provided
6 elsewhere in this article, a penalty of up to thirty percent (30%) of the
7 unpaid contributions may be imposed on the corporate officers and
8 directors and the noncorporate entity's chief executive for failure to
9 take reasonable steps to set aside corporate assets to meet the liability
10 due the department.
- 11 (e) If the department fails to begin a collection action against a
12 corporate officer or director or a noncorporate entity's chief executive
13 within one (1) year after the filing of a completed form of notification
14 with the department, the personal liability of the corporate officer or
15 director or noncorporate entity's chief executive expires. The filing of
16 a substantially blank form of notification or a form containing
17 misrepresentation of material facts does not constitute filing a form of
18 notification for the purpose of determining the period of personal
19 liability of the officers and directors of the corporation or the chief
20 executive of the noncorporate entity.
- 21 (f) In addition to the remedies contained in this section, the
22 department is entitled to pursue corporate assets that have been
23 distributed to shareholders or noncorporate entity assets that have been
24 distributed to owners, members, or beneficiaries, in violation of the
25 interests of the state. The election to pursue one (1) remedy does not
26 foreclose the state's option to pursue other legal remedies.
- 27 (g) The department may issue a clearance to a corporation or
28 noncorporate entity effecting dissolution, liquidation, or withdrawal if:
29 (1) the:
- 30 (A) officers and directors of the corporation have; or
 - 31 (B) chief executive of the noncorporate entity has;
- 32 met the requirements of subsection (b); and
- 33 (2) request for the clearance is made in writing by the officers and
34 directors of the corporation or chief executive of the noncorporate
35 entity within thirty (30) days after the filing of the form of
36 notification with the department.
- 37 (h) The issuance of a clearance by the department under subsection
38 (g) releases the officers and directors of a corporation and the chief
39 executive of a noncorporate entity from personal liability under this
40 section.
- 41 SECTION 45. IC 22-4-33-2 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except for



1 fees charged under IC 22-4-17-12, no individual claiming benefits may
 2 be charged fees of any kind in a proceeding by ~~the board~~; the review
 3 board, an administrative law judge, or the representative of **any either**
 4 of them or by any court or any officer thereof.

5 (b) An individual claiming benefits in a proceeding before ~~the~~
 6 ~~board~~; the review board, an administrative law judge, or a court may be
 7 represented by counsel or other authorized agent, but no counsel or
 8 agent may charge or receive for ~~his~~ the **counsel's or agent's** service
 9 more than an amount approved by the ~~board or~~ review board.

10 SECTION 46. IC 22-4-34-5, AS AMENDED BY P.L.108-2006,
 11 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 5. A person who knowingly fails to attend and
 13 testify or to answer any lawful inquiry or to produce books, papers,
 14 correspondence, memoranda, and other records, in obedience to a
 15 subpoena of ~~the board~~; the department, the review board, an
 16 administrative law judge, or any duly authorized representative of any
 17 of them, commits a Class C misdemeanor. Each day a violation
 18 continues constitutes a separate offense.

19 SECTION 47. IC 22-4-35-1, AS AMENDED BY P.L.161-2006,
 20 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 1. In any civil action to enforce the provisions
 22 of this article, the department, commissioner, state workforce
 23 innovation council, ~~unemployment insurance board~~; unemployment
 24 insurance review board, and the state may be represented by any
 25 qualified attorney who is a regular salaried employee of the department
 26 and is designated by it for this purpose or, at the director's request, by
 27 the attorney general of the state. In case the governor designates special
 28 counsel to defend, on behalf of the state, the validity of this article, the
 29 expenses and compensation of such special counsel and of any experts
 30 employed by the commissioner in connection with such proceedings
 31 may be charged to the employment and training services administration
 32 fund.

33 SECTION 48. IC 22-4-37-2 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If at any time
 35 the governor of Indiana shall find that the tax imposed by 42 U.S.C.
 36 1101 through 1109, as amended, has been amended or repealed by
 37 Congress or has been held unconstitutional by the Supreme Court of
 38 the United States with the result that no portion of the contributions
 39 required by this article may be credited against such tax, or if this
 40 article is declared inoperative by the supreme court of Indiana, the
 41 governor of Indiana shall publicly so proclaim, and upon the date of
 42 such proclamation the provisions of this article requiring the payment



1 of contributions and benefits shall be suspended for a period ending not
 2 later than the last day of the next following regular or special session
 3 of the general assembly of the state of Indiana. The ~~board~~ **department**
 4 shall thereupon requisition from the unemployment trust fund all
 5 moneys therein standing to its credit and shall direct the treasurer of
 6 state of Indiana to deposit such moneys, together with any other
 7 moneys in the fund, as a special fund in any banks or public
 8 depositories in this state in which general funds of the state may be
 9 deposited.

10 (b) Unless prior to the expiration of such period, the general
 11 assembly of the state of Indiana has made provision for an employment
 12 security law in this state and has directed that the funds so deposited
 13 shall be used for the payment of benefits in this state, the provisions of
 14 this article shall cease to be operative, and the ~~board~~ **department** shall,
 15 under rules prescribed by it, ~~the department~~, refund without interest
 16 to each person by whom contributions have been paid ~~its~~ **the person's**
 17 pro rata share of the total contributions paid under this article.

18 SECTION 49. IC 22-4.1-2-2, AS AMENDED BY P.L.69-2015,
 19 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 2. The department includes the following
 21 entities:

22 ~~(1) The unemployment insurance board.~~

23 ~~(2) (1) The unemployment insurance review board.~~

24 ~~(3) (2) State workforce innovation council established by~~
 25 ~~IC 22-4.1-22-3.~~

26 SECTION 50. IC 22-4.1-4-8, AS ADDED BY P.L.69-2015,
 27 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 UPON PASSAGE]: Sec. 8. (a) The department annually shall prepare
 29 a written report of its training activities and the training activities of the
 30 workforce service area during the immediately preceding state fiscal
 31 year. The department's annual report for a particular state fiscal year
 32 must include information for each training project for which either the
 33 department or the workforce service area provided any funding during
 34 that state fiscal year. At a minimum, the following information must be
 35 provided for each training project:

36 (1) A description of the training project, including the name and
 37 address of the training provider.

38 (2) The amount of funding that either the department or the
 39 workforce service area provided for the project and an indication
 40 of which entity provided the funding.

41 (3) The number of trainees who participated in the project.

42 (4) Demographic information about the trainees, including:



- 1 (A) the age of each trainee;
 2 (B) the education attainment level of each trainee; and
 3 (C) for those training projects that have specific gender
 4 requirements, the gender of each trainee.
 5 (5) The results of the project, including:
 6 (A) skills developed by trainees;
 7 (B) any license or certification associated with the training
 8 project;
 9 (C) the extent to which trainees have been able to secure
 10 employment or obtain better employment; and
 11 (D) descriptions of the specific jobs which trainees have been
 12 able to secure or to which trainees have been able to advance.
 13 (b) With respect to trainees that have been able to secure
 14 employment or obtain better employment, the department shall compile
 15 data on the retention rates of those trainees in the jobs which the
 16 trainees secured or to which they advanced. The department shall
 17 include information concerning those retention rates in each of its
 18 annual reports.
 19 (c) On or before October 1 of each state fiscal year, each workforce
 20 service area shall provide the department with a written report of its
 21 training activities for the immediately preceding state fiscal year. The
 22 workforce service area shall prepare the report in the manner
 23 prescribed by the department. However, at a minimum, the workforce
 24 service area shall include in its report the information required by
 25 subsection (a) for each training project for which the workforce service
 26 area provided any funding during the state fiscal year covered by the
 27 report. In addition, the workforce service area shall include in each
 28 report retention rate information as set forth in subsection (b).
 29 (d) The department shall provide a copy of its annual report for a
 30 particular state fiscal year to the:
 31 (1) governor; **and**
 32 (2) legislative council; **and**
 33 (3) ~~unemployment insurance board;~~
 34 on or before December 1 of the immediately preceding state fiscal year.
 35 An annual report provided under this subsection to the legislative
 36 council must be in an electronic format under IC 5-14-6.
 37 SECTION 51. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1344, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 6, delete lines 16 through 37.
- Page 15, delete lines 36 through 42.
- Delete page 16.
- Page 17, delete lines 1 through 14.
- Page 35, line 8, strike "the approval of the".
- Page 35, line 8, delete "department,".
- Page 35, line 8, strike "and".
- Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1344 as introduced.)

GUTWEIN

Committee Vote: yeas 8, nays 4.

Report of the President
Pro Tempore

Madam President: Pursuant to Senate Rule 68(b), I hereby report that HB 1344, currently assigned to the Committee on Pensions & Labor, be reassigned to the Committee on Appropriations.

LONG

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1344, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 9 with "[EFFECTIVE UPON PASSAGE]".

Replace the effective dates in SECTIONS 12 through 18 with

EH 1344—LS 6782/DI 102



"[EFFECTIVE UPON PASSAGE]".

Replace the effective dates in SECTIONS 20 through 49 with "[EFFECTIVE UPON PASSAGE]".

Page 19, line 22, after "3.2." insert "(a)".

Page 19, between lines 26 and 27, begin a new paragraph and insert:

"(b) An individual is not required to schedule and receive the orientation described in subsection (a) in the following circumstances:

(1) The individual has a probable expectation of having employment available with the same employer after the period of unemployment ends.

(2) The individual is receiving a supplemental unemployment benefit under a validly negotiated contract or agreement.

(3) The individual is attending training or retraining approved by the department.

(c) The department may waive an individual from the requirements of this section for the same reasons provided in section 2(e)(2), 2(e)(3), or 2(e)(4) of this chapter."

Page 24, delete lines 16 through 22, begin a new paragraph and insert:

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

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

(A) Recommendations for maintaining the solvency of the unemployment insurance benefit fund established under IC 22-4-26-1.

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

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

(2) Make a presentation to the budget committee at each meeting of the budget committee held before November 1, 2016, concerning the status of the unemployment compensation system, including the following:

(A) Recommendations for maintaining the solvency of the unemployment insurance benefit fund established under IC 22-4-26-1.

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



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

(D) Any other information requested by the budget committee."

Page 26, between lines 2 and 3, begin a new paragraph and insert:
 "SECTION 21. IC 22-4-18-2.4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.4. (a) The Indiana unemployment insurance board and the department shall cooperate to provide for an orderly transition of the powers, duties, agreements, liabilities, records, property, and other assets as described in section 2.5 of this chapter on April 1, 2016.**

(b) This section expires January 1, 2017."

Page 26, line 6, delete "July 1," and insert "**April 1,**".

Page 26, line 7, delete "July 1," and insert "**April 1,**".

Page 26, line 10, delete "July 1," and insert "**April 1,**".

Page 26, line 15, delete "June 30," and insert "**March 31,**".

Page 26, line 18, delete "June 30," and insert "**March 31,**".

Page 26, line 22, delete "July 1," and insert "**April 1,**".

Page 26, line 27, delete "July 1," and insert "**April 1,**".

Page 26, between lines 28 and 29, begin a new paragraph and insert:
 "**(h) This section expires January 1, 2017."**

Page 32, line 37, after "article." insert "**The maximum amount that may be expended by the department for the purposes described in this subsection may not exceed five million dollars (\$5,000,000) in a state fiscal year."**

Page 42, after line 27, begin a new paragraph and insert:

"SECTION 51. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1344 as printed January 19, 2016.)

KENLEY, Chairperson

Committee Vote: Yeas 9, Nays 3.



SENATE MOTION

Madam President: I move that Engrossed House Bill 1344 be amended to read as follows:

Page 19, line 25, after "must" insert "**be scheduled to**".

Page 19, line 27, after "IC 22-4.1-1-5)." insert "**The individual must appear when scheduled, but in any event, the individual's orientation must be completed not later than the sixth week after the week the individual begins receiving benefits.**".

Page 19, line 35, delete "validly negotiated".

(Reference is to EHB 1344 as printed February 19, 2016.)

BOOTS

