



February 22, 2024

ENGROSSED SENATE BILL No. 148

DIGEST OF SB 148 (Updated February 22, 2024 10:11 am - DI 141)

Citations Affected: IC 2-5; IC 4-3; IC 4-12; IC 12-11; IC 22-4; IC 22-4.1.

Synopsis: Workforce data collection. Requires the division of disability and rehabilitative services, beginning 12 months after the direct support professional registry is implemented, to file a monthly report with the department of workforce development (department) that contains the monthly direct support professional labor force participation statistics. Requires the department to post the monthly reports on the department's website. Requires reports of newly hired employees to be filed electronically. Requires employers to provide an employee's current primary standardized occupational classification code and starting compensation on a report of newly hired employee. Provides that each workforce focused agency shall deliver a workforce
(Continued next page)

Effective: July 1, 2024.

Brown L, Rogers, Randolph Lonnie M

(HOUSE SPONSORS — CARBAUGH, BEHNING)

January 8, 2024, read first time and referred to Committee on Pensions and Labor.
January 18, 2024, amended, reported favorably — Do Pass.
January 29, 2024, read second time, amended, ordered engrossed.
January 30, 2024, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 6, 2024, read first time and referred to Committee on Employment, Labor and Pensions.
February 22, 2024, amended, reported — Do Pass.

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Digest Continued

related program report to the management performance hub. Sets out the information to be included in the workforce related program report. Requires the management performance hub to: (1) compile the workforce related program reports into an annual data product; and (2) make the data product available to the department of workforce development and the governor's workforce cabinet. Provides that a workforce focused agency may not enter into a contract with a person to conduct, operate, or administer a workforce related program unless the contract contains certain requirements. Makes conforming amendments.



February 22, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 148

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 2-5-42.4-1, AS ADDED BY P.L.174-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 1. As used in this chapter, "workforce related
4 program" has the meaning set forth in ~~IC 22-4.1-1-7~~. **IC 22-4.1-1-7(a)**.
5 SECTION 2. IC 4-3-26-17 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2024]: **Sec. 17. The MPH shall do the following before September**
8 **1 each year:**
9 (1) **Compile into a data product all reports delivered to the**
10 **MPH under IC 22-4.1-24-3 for the twelve (12) month period**
11 **ending on the preceding March 31.**
12 (2) **Make the data product available to the department of**
13 **workforce development established by IC 22-4.1-2-1 and the**
14 **governor's workforce cabinet established by IC 4-3-27-3.**
15 SECTION 3. IC 4-3-27-12, AS ADDED BY P.L.152-2018,
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2024]: Sec. 12. (a) As used in this section, "workforce related

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1 program" has the meaning set forth in ~~IC 22-4.1-1-7~~. **IC 22-4.1-1-7(a)**.

2 (b) The governor, general assembly, and cabinet intend that each
3 workforce related program effectuates the purposes for which it was
4 enacted and that the cost of workforce related programs should be
5 included more readily in the biennial budgeting process.

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

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

14 (1) The basic attributes and policy goals of the workforce related
15 program, including the statutory and programmatic goals of the
16 workforce related program, the original scope and purpose of the
17 workforce related program, and how the scope or purpose has
18 changed over time.

19 (2) The estimated cost to the state to administer the workforce
20 related program.

21 (3) The workforce related program's equity, simplicity,
22 competitiveness, public purpose, adequacy, and extent of
23 conformance with the original purposes of the legislation enacting
24 the workforce related program.

25 (4) The types of activities on which the workforce related
26 program is based and how effective the workforce related
27 program has been in promoting these targeted activities and in
28 assisting participants in the workforce related program.

29 (5) The count of the following:

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

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

32 (C) Providers of the workforce related program.

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

35 (7) An estimate of the impact of the workforce related program,
36 including the following:

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



- 1 (B) A cost-benefit comparison among workforce related
2 programs.
- 3 (C) An estimate of the number of jobs that were the direct
4 result of the workforce related program.
- 5 (D) For the workforce related program, a statement by the
6 chief executive officer of the state agency that administers the
7 workforce related program as to whether the statutory and
8 programmatic goals of the workforce related program are
9 being met, with obstacles to these goals identified, if possible.
- 10 (8) The methodology and assumptions used in carrying out the
11 reviews, analyses, and evaluations required under this section.
- 12 (9) An estimate of the extent to which benefits of the workforce
13 related program remained in Indiana or flowed outside Indiana.
- 14 (10) Whether the effectiveness of the workforce related program
15 could be determined more definitively if the general assembly
16 were to clarify or modify the workforce related program's goals
17 and intended purpose.
- 18 (11) Whether measuring the workforce related program's impact
19 is significantly limited due to data constraints and whether any
20 changes in statute would facilitate data collection in a way that
21 would allow for better review, analysis, or evaluation.
- 22 (12) An estimate of the indirect economic benefit or activity
23 stimulated by the workforce related program.
- 24 (13) Any additional review, analysis, or evaluation that the
25 cabinet considers advisable, including comparisons with
26 workforce related programs offered by other states if those
27 comparisons would add value to the review, analysis, and
28 evaluation.
- 29 (e) The cabinet may request a state official or a state agency or a
30 body corporate and politic to furnish information necessary to complete
31 the workforce related program review, analysis, and evaluation
32 required by this chapter. An official or entity presented with a request
33 from the cabinet under this section shall cooperate with the cabinet in
34 providing the requested information. An official or entity may require
35 that the cabinet adhere to the provider's rules, if any, that concern the
36 confidential nature of the information.
- 37 (f) The cabinet shall, before October 1 of each year, submit a report
38 to the governor, the legislative council in an electronic format under
39 IC 5-14-6, and the interim study committee on fiscal policy established
40 by IC 2-5-1.3-4 containing the results of the cabinet's review, analysis,
41 and evaluation under this chapter. The report must include at least the
42 following for each workforce related program reviewed:



- 1 (1) An explanation of the workforce related program.
 2 (2) The history of the workforce related program.
 3 (3) An estimate for each state fiscal year of the next biennial
 4 budget of the cost of the workforce related program.
 5 (4) A detailed description of the review, analysis, and evaluation
 6 for the workforce related program.
 7 (5) Information to be used by the governor and general assembly
 8 to determine whether the workforce related program should be
 9 continued, modified, or terminated, the basis for the
 10 recommendation, and the expected impact of the
 11 recommendation.
 12 (6) Information to be used by the governor and general assembly
 13 to better align the workforce related program with the original
 14 intent of the legislation that enacted the workforce related
 15 program. The report required by this section must not disclose any
 16 proprietary or otherwise confidential information.
- 17 SECTION 4. IC 4-12-1-9, AS AMENDED BY P.L.201-2023,
 18 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2024]: Sec. 9. (a) The budget agency shall assist the budget
 20 committee in the preparation of the budget report and the budget bill,
 21 using the recommendations and estimates prepared by the budget
 22 agency and the information obtained through investigation and
 23 presented at hearings. The budget committee shall consider the data,
 24 information, recommendations and estimates before it and, to the
 25 extent that there is agreement on items, matters, and amounts between
 26 the budget agency and a majority of the members of the budget
 27 committee, the committee shall organize and assemble a budget report
 28 and a budget bill or budget bills. In the event the budget agency and a
 29 majority of the members of the budget committee shall differ upon any
 30 item, matter, or amount to be included in such report and bills, the
 31 recommendation of the budget agency shall be included in the budget
 32 bill or bills, and the particular item, matter, or amount, and the extent
 33 of and reasons for the differences between the budget agency and the
 34 budget committee shall be stated fully in the budget report. The budget
 35 committee shall submit the budget report and the budget bill or bills to
 36 the governor on or before:
 37 (1) the second Monday of January in the year immediately
 38 following the calendar year in which the budget report and budget
 39 bill or bills are prepared, if the budget report and budget bill or
 40 bills are prepared in a calendar year other than a calendar year in
 41 which a gubernatorial election is held; or
 42 (2) the third Monday of January, if the budget report and budget



- 1 bill or bills are prepared in the same calendar year in which a
2 gubernatorial election is held.
- 3 The governor shall deliver to the house members of the budget
4 committee such bill or bills for introduction into the house of
5 representatives.
- 6 (b) Whenever during the period beginning thirty (30) days prior to
7 a regular session of the general assembly the budget report and budget
8 bill or bills have been completed and printed and are available for
9 distribution, upon the request of a member of the general assembly an
10 informal distribution of one (1) copy of each such document shall be
11 made by the budget committee to such members. During business
12 hours, and as may be otherwise required during sessions of the general
13 assembly, the budget agency shall make available to the members of
14 the general assembly so much as they shall require of its accumulated
15 staff information, analyses and reports concerning the fiscal affairs of
16 the state and the current budget report and budget bill or bills.
- 17 (c) The budget report shall include at least the following parts:
- 18 (1) A statement of budget policy, including but not limited to
19 recommendations with reference to the fiscal policy of the state
20 for the coming budget period, and describing the important
21 features of the budget.
- 22 (2) A general budget summary setting forth the aggregate figures
23 of the budget to show the total proposed expenditures and the
24 total anticipated income, and the surplus or deficit.
- 25 (3) The detailed data on actual receipts and expenditures for the
26 previous fiscal year or two (2) fiscal years depending upon the
27 length of the budget period for which the budget bill or bills is
28 proposed, the estimated receipts and expenditures for the current
29 year, and for the ensuing budget period, and the anticipated
30 balances at the end of the current fiscal year and the ensuing
31 budget period. Such data shall be supplemented with necessary
32 explanatory schedules and statements, including a statement of
33 any differences between the recommendations of the budget
34 agency and of the budget committee.
- 35 (4) A description of the capital improvement program for the state
36 and an explanation of its relation to the budget.
- 37 (5) The budget bills.
- 38 (6) The tax expenditure report prepared by the legislative services
39 agency under IC 2-5-3.2-2.
- 40 (7) For each appropriation in the governor's recommended budget
41 bill that is made to a state provider, as defined in IC 22-4.1-1-5.5,
42 for a workforce related program, as defined in ~~IC 22-4.1-1-7;~~



- 1 **IC 22-4.1-1-7(a)**, a summary and justification for the workforce
 2 related program.
- 3 (d) The budget report shall cover and include all special and
 4 dedicated revenue funds as well as the general revenue fund and shall
 5 include the estimated amounts of federal aids, for whatever purpose
 6 provided, together with estimated expenditures therefrom.
- 7 (e) The budget agency shall furnish the governor with any further
 8 information required concerning the budget, and upon request shall
 9 attend hearings of committees of the general assembly on the budget
 10 bills.
- 11 SECTION 5. IC 12-11-16-2, AS ADDED BY P.L.228-2023,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2024]: Sec. 2. (a) The division shall establish and maintain a
 14 direct support professional registry to be made available to authorized
 15 division personnel and authorized service providers. The registry must:
- 16 (1) include a list of direct support professionals who have
 17 registered with the division in the manner required by the
 18 division; and
- 19 (2) contain any substantiated incidents for abuse, neglect, and
 20 exploitation that meet the criteria established according to
 21 subsection (d), as determined by the division for a direct support
 22 professional included on the registry.
- 23 (b) The division shall establish the following:
- 24 (1) An application to be used for an individual to register for the
 25 registry and renew the registration for the registry.
- 26 (2) An appeals process as provided in IC 4-21.5 concerning an
 27 incident involving a direct support professional in which the
 28 division has determined the incident meets the criteria established
 29 according to subsection (d).
- 30 (c) Beginning January 1, 2026, and thereafter, an individual may not
 31 provide direct support services as a direct support professional in
 32 Indiana unless the individual is registered by the division for the
 33 registry under this chapter.
- 34 (d) The division shall adopt rules under IC 4-22-2 necessary to
 35 implement the registry, including the establishment of definitions and
 36 levels for substantiated abuse, neglect, and exploitation, the highest of
 37 which is the minimum the division must report to the registry.
- 38 (e) The division shall report to the registry a substantiated incident
 39 that meets the criteria established according to subsection (d).
- 40 (f) An employee of the division who reports a substantiated incident
 41 that meets the criteria established according to subsection (d) to the
 42 registry in good faith is not subject to liability in:



- 1 (1) a civil;
 2 (2) an administrative;
 3 (3) a disciplinary; or
 4 (4) a criminal;
 5 action that might otherwise be imposed for reporting the information.
- 6 **(g) Beginning twelve (12) months after the registry is**
 7 **implemented, the division shall file a monthly report with the**
 8 **department of workforce development that contains the monthly**
 9 **direct support professional labor force participation statistics.**
- 10 **(h) The department of workforce development shall post the**
 11 **monthly reports received under subsection (g) on the department**
 12 **of workforce development's website.**
- 13 SECTION 6. IC 22-4-10-8, AS AMENDED BY P.L.183-2017,
 14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 8. (a) This section applies only to an employer
 16 who employs individuals within the state.
- 17 (b) As used in this section, "date of hire" is: **"newly hired**
 18 **employee" means an employee who:**
- 19 (1) the first date that an employee provides labor or services to an
 20 employer; or
 21 (2) the first date that an employee resumes providing labor or
 22 services to an employer after a separation from service with the
 23 employer of at least sixty (60) days:
 24 **(1) has not previously been employed by the employer; or**
 25 **(2) was previously employed by the employer but has been**
 26 **separated from such prior employment for at least sixty (60)**
 27 **consecutive days.**
- 28 (c) As used in this section, "employee":
 29 (1) has the meaning set forth in Section 3401(c) of the Internal
 30 Revenue Code; and
 31 (2) includes any individual:
 32 (A) required under Internal Revenue Service regulations to
 33 complete a federal form W-4; and
 34 (B) who has provided services to an employer.
- 35 The term does not include an employee of a federal or state agency who
 36 performs intelligence or counter intelligence functions if the head of
 37 the agency determines that the reporting information required under
 38 this section could endanger the safety of the employee or compromise
 39 an ongoing investigation or intelligence mission.
- 40 **(2) does not include an employee of a federal or state agency**
 41 **who performs intelligence or counter intelligence functions if**
 42 **the head of the agency determines that the reporting**



1 **information required under this section could endanger the**
 2 **safety of the employee or compromise an ongoing**
 3 **investigation or intelligence mission.**

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

- 6 (1) governmental agencies;
 7 (2) labor organizations; or
 8 (3) a person doing business in the state as identified by:
 9 (A) the person's federal employer identification number; or
 10 (B) if applicable, the common paymaster, as defined in Section
 11 3121 of the Internal Revenue Code or the payroll reporting
 12 agent of the employer, as described in IRS Rev. Proc. 70-6,
 13 1970-1 C.B. 420.

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

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

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

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

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

25 ~~(i) (g)~~ The directory under subsection ~~(h) (f)~~ must contain the
 26 information for each newly hired employee that an employer must
 27 provide to the department under subsection ~~(h) (f)~~: ~~(i)~~.

28 ~~(j) (h)~~ An employer must transmit the information required under
 29 subsection ~~(h) (f)~~: ~~(i)~~

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

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

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

36 ~~(k) A report containing the information required under subsection~~
 37 ~~(h) (f) is considered timely:~~

38 ~~(1) if it is postmarked on or before the due date; whenever the~~
 39 ~~report is mailed; or~~

40 ~~(2) if it is received on or before the due date; whenever the report~~
 41 ~~is transmitted by:~~

- 42 ~~(A) facsimile machine; or~~



1 ~~(B)~~ **electronic or magnetic media:**

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

8 (1) The name, address, and Social Security number of the
9 employee.

10 (2) The name, address, and federal tax identification number of
11 the employer.

12 (3) ~~The date of hire of the employee.~~ **services for remuneration**
13 **were first performed by the employee.**

14 (4) **The current primary standardized occupational**
15 **classification code of the employee.**

16 (5) **The starting compensation of the employee.**

17 ~~(m)~~ **(j)** An employer that has employees in two (2) or more states
18 and that transmits reports under this section electronically or
19 magnetically may comply with this section by doing the following:

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

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

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

25 ~~(n)~~ **(k)** The department may impose the following as a civil penalty:

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

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

31 (A) not provide the required report; or

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

33 ~~(o)~~ **The department shall do the following with information received**
34 **from an employer regarding newly hired employees:**

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

37 (2) ~~Forward the information to the national directory of new hires~~
38 ~~not later than three (3) business days after the information is~~
39 ~~entered into the state's directory.~~

40 ~~The state shall use quality control standards established by the~~
41 ~~administrators of the national directory of new hires.~~

42 ~~(p)~~ **(l)** The information contained in the directory maintained under



1 subsection ~~(h)~~ **(f)** is available ~~only for use by the department for~~
 2 ~~purposes required by 42 U.S.C. 653a, unless otherwise provided by~~
 3 ~~law:~~ **for use by the department in a manner consistent with state**
 4 **and federal law.**

5 ~~(q)~~ **(m)** The department of child services (established under
 6 IC 31-25-1-1) shall:

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

10 (2) enter into a purchase of service agreement with the
 11 department that establishes procedures necessary to administer
 12 this section.

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

17 **(1) The department.**

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

19 **(3) The commission for higher education established by**
 20 **IC 21-18-2-1.**

21 **(4) The governor's workforce cabinet established by**
 22 **IC 4-3-27-3.**

23 **(5) The office of the secretary of family and social services**
 24 **established by IC 12-8-1.5-1.**

25 **(6) Another state agency identified by the department.**

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

33 (1) Job training.

34 (2) The attainment of an industry recognized certification or
 35 credential.

36 (3) The attainment of a postsecondary degree, certificate, or
 37 credential.

38 (4) The provision of other types of employment assistance.

39 (5) The promotion of Indiana to workers or the provision of
 40 assistance to a worker relocating to Indiana for employment.

41 (6) Any other program that:

42 (A) has, at least in part, the goal of securing employment or



1 better employment for an individual; and
 2 (B) receives funding through WIOA or a state appropriation.
 3 **(b) For purposes of IC 22-4.1-24-3, "workforce related**
 4 **program" means a program offering incentives, funding, support,**
 5 **or guidance for any of the following purposes:**
 6 **(1) Job training.**
 7 **(2) The attainment of an industry recognized certification or**
 8 **credential.**
 9 **(3) The attainment of a postsecondary degree, certificate, or**
 10 **credential.**
 11 **(4) The provision of other types of employment assistance.**
 12 **(5) The promotion of Indiana to workers or the provision of**
 13 **assistance to a worker relocating to Indiana for employment.**
 14 **(6) Any other program that has, at least in part, the goal of**
 15 **securing employment or better employment for an individual.**
 16 **The term does not include a United States Department of Labor**
 17 **certified multi-year apprenticeship program subject to a reporting**
 18 **requirement targeted at measuring the performance of the**
 19 **program.**
 20 SECTION 9. IC 22-4.1-24-1, AS ADDED BY P.L.230-2017,
 21 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 1. **(a) Except as provided in subsection (b), as**
 23 **used in this chapter, "program" refers to a workforce related program**
 24 **(as defined in ~~IC 22-4.1-1-7~~; IC 22-4.1-1-7(a)).**
 25 **(b) As used in section 3 of this chapter, "program" refers to a**
 26 **workforce related program (as defined in IC 22-4.1-1-7(b)).**
 27 SECTION 10. IC 22-4.1-24-3 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2024]: Sec. 3. **(a) As used in this section,**
 30 **"management performance hub" refers to the management**
 31 **performance hub established by IC 4-3-26-8.**
 32 **(b) Not later than July 1, 2025, and before July 1 of each year**
 33 **thereafter, each workforce focused agency shall deliver to the**
 34 **management performance hub a workforce related program**
 35 **report.**
 36 **(c) The report described in subsection (b) must contain the**
 37 **following information regarding every individual who has**
 38 **participated in a workforce related program that was operated,**
 39 **delivered, or enabled by the workforce focused agency using public**
 40 **funds during the twelve (12) month period ending on the preceding**
 41 **March 31:**
 42 **(1) The individual's name and date of birth.**



- 1 **(2) Either:**
- 2 **(A) the individual's Social Security number; or**
- 3 **(B) another identifier for the individual, so long as the**
- 4 **department has approved the manner of identification for**
- 5 **purposes of reporting under this section.**
- 6 **(3) The name of the program in which the individual enrolled.**
- 7 **(4) The date the individual began the program.**
- 8 **(5) The date the individual completed the program, or if the**
- 9 **individual failed to complete the program, the date the**
- 10 **individual exited the program.**
- 11 **(6) Any certificate or credential the individual earned through**
- 12 **participation in the program.**
- 13 **(7) Any other relevant information specifically requested by**
- 14 **the department or the governor's workforce cabinet not later**
- 15 **than April 1 of each year.**
- 16 **(d) A workforce focused agency shall deliver a report described**
- 17 **in subsection (b) in a secure manner, as determined by the**
- 18 **management performance hub.**
- 19 **(e) This subsection applies to a contract entered into or renewed**
- 20 **after June 30, 2024. A workforce focused agency may not enter**
- 21 **into a contract with a person to conduct, operate, or administer a**
- 22 **workforce related program, unless the contract requires the person**
- 23 **to transmit the information described in subsection (c)(1) through**
- 24 **(c)(7) for all individuals participating in the workforce related**
- 25 **program.**



COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 148, 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:

Page 7, line 40, after "current" insert "**primary**".

and when so amended that said bill do pass.

(Reference is to SB 148 as introduced.)

DORIOR

Committee Vote: Yeas 9, Nays 0.

 SENATE MOTION

Madam President: I move that Senate Bill 148 be amended to read as follows:

Page 1, line 9, delete "submissions" and insert "**reports**".

Page 8, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 6. IC 22-4.1-1-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 6.5. "Workforce focused agency" means the following:**

- (1) **The department.**
- (2) **The department of education established by IC 20-19-3-1.**
- (3) **The commission for higher education established by IC 21-18-2-1.**
- (4) **The governor's workforce cabinet established by IC 4-3-27-3.**
- (5) **The office of the secretary of family and social services established by IC 12-8-1.5-1.**
- (6) **Another state agency identified by the department."**

Page 9, delete lines 25 through 42, begin a new line block indented and insert:

"(6) Any other program that has, at least in part, the goal of securing employment or better employment for an individual.

SECTION 8. IC 22-4.1-24-3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 3. (a) As used in this section, "management**

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performance hub" refers to the management performance hub established by IC 4-3-26-8.

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

(c) The report described in subsection (b) must contain the following information regarding every individual who has participated in a workforce related program that was operated, delivered, or enabled by the workforce focused agency using public funds during the twelve (12) month period ending on the preceding March 31:

- (1) The individual's name, Social Security number, and date of birth.
- (2) The name of the program in which the individual enrolled.
- (3) The date the individual began the program.
- (4) The date the individual completed the program, or if the individual failed to complete the program, the date the individual exited the program.
- (5) Any certificate or credential the individual earned through participation in the program.
- (6) Any other relevant information specifically requested by the department or the governor's workforce cabinet not later than April 1 of each year.

(d) A workforce focused agency shall deliver a report described in subsection (b) in a secure manner, as determined by the management performance hub.

(e) This subsection applies to a contract entered into or renewed after June 30, 2024. A workforce focused agency may not enter into a contract with a person to conduct, operate, or administer a workforce related program, unless the contract requires the person to transmit the information described in subsection (c)(1) through (c)(6) for all individuals participating in the workforce related program."

Page 10, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

(Reference is to SB 148 as printed January 19, 2024.)

BROWN L



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 148, 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 11 through 42.

Delete page 7.

Page 8, delete lines 1 through 36, begin a new paragraph and insert: "SECTION 5. IC 12-11-16-2, AS ADDED BY P.L.228-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) The division shall establish and maintain a direct support professional registry to be made available to authorized division personnel and authorized service providers. The registry must:

(1) include a list of direct support professionals who have registered with the division in the manner required by the division; and

(2) contain any substantiated incidents for abuse, neglect, and exploitation that meet the criteria established according to subsection (d), as determined by the division for a direct support professional included on the registry.

(b) The division shall establish the following:

(1) An application to be used for an individual to register for the registry and renew the registration for the registry.

(2) An appeals process as provided in IC 4-21.5 concerning an incident involving a direct support professional in which the division has determined the incident meets the criteria established according to subsection (d).

(c) Beginning January 1, 2026, and thereafter, an individual may not provide direct support services as a direct support professional in Indiana unless the individual is registered by the division for the registry under this chapter.

(d) The division shall adopt rules under IC 4-22-2 necessary to implement the registry, including the establishment of definitions and levels for substantiated abuse, neglect, and exploitation, the highest of which is the minimum the division must report to the registry.

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

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

(1) a civil;



- (2) an administrative;
- (3) a disciplinary; or
- (4) a criminal;

action that might otherwise be imposed for reporting the information.

(g) Beginning twelve (12) months after the registry is implemented, the division shall file a monthly report with the department of workforce development that contains the monthly direct support professional labor force participation statistics.

(h) The department of workforce development shall post the monthly reports received under subsection (g) on the department of workforce development's website.

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

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

- (1) the first date that an employee provides labor or services to an employer; or
- (2) the first date that an employee resumes providing labor or services to an employer after a separation from service with the employer of at least sixty (60) days.
- (1) has not previously been employed by the employer; or**
- (2) was previously employed by the employer but has been separated from such prior employment for at least sixty (60) consecutive days.**

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

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

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

- (2) does not include an employee of a federal or state agency who performs intelligence or counter intelligence functions if the head of the agency determines that the reporting information required under this section could endanger the**



safety of the employee or compromise an ongoing investigation or intelligence mission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

- (1) The name, address, and Social Security number of the employee.
- (2) The name, address, and federal tax identification number of the employer.
- (3) The date of hire of the employee. **services for remuneration were first performed by the employee.**
- (4) The current primary standardized occupational classification code of the employee.**
- (5) The starting compensation of the employee.**

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

- (1) Designating one (1) state to receive each report.
- (2) Notifying the Secretary of the United States Department of Health and Human Services which state will receive the reports.
- (3) Transmitting the reports to the agency in the designated state that is charged with receiving the reports.

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

- (1) Twenty-five dollars (\$25) on an employer that fails to comply with this section.
- (2) Five hundred dollars (\$500) on an employer that fails to comply with this section if the failure is a result of a conspiracy between the employer and the employee to:
 - (A) not provide the required report; or
 - (B) provide a false or an incomplete report.

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

- ~~(1)~~ Enter the information into the state's directory of new hires within five (5) business days of receipt.
- ~~(2)~~ Forward the information to the national directory of new hires not later than three (3) business days after the information is entered into the state's directory.

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

~~(p)~~ (l) The information contained in the directory maintained under subsection ~~(h)~~ (f) is available only for use by the department for



purposes required by 42 U.S.C. 653a, unless otherwise provided by law. **for use by the department in a manner consistent with state and federal law.**

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

- (1) reimburse the department for a pro rata share of the costs incurred in carrying out this section using a cost allocation method described in 45 CFR 75.405; and
- (2) enter into a purchase of service agreement with the department that establishes procedures necessary to administer this section."

Page 9, delete lines 40 through 42, begin a new line blocked left and insert:

"The term does not include a United States Department of Labor certified multi-year apprenticeship program subject to a reporting requirement targeted at measuring the performance of the program.

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

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

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

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

(c) The report described in subsection (b) must contain the following information regarding every individual who has participated in a workforce related program that was operated, delivered, or enabled by the workforce focused agency using public funds during the twelve (12) month period ending on the preceding March 31:

- (1) The individual's name and date of birth.**
- (2) Either:**
 - (A) the individual's Social Security number; or**



(B) another identifier for the individual, so long as the department has approved the manner of identification for purposes of reporting under this section.

(3) The name of the program in which the individual enrolled.

(4) The date the individual began the program.

(5) The date the individual completed the program, or if the individual failed to complete the program, the date the individual exited the program.

(6) Any certificate or credential the individual earned through participation in the program.

(7) Any other relevant information specifically requested by the department or the governor's workforce cabinet not later than April 1 of each year.

(d) A workforce focused agency shall deliver a report described in subsection (b) in a secure manner, as determined by the management performance hub.

(e) This subsection applies to a contract entered into or renewed after June 30, 2024. A workforce focused agency may not enter into a contract with a person to conduct, operate, or administer a workforce related program, unless the contract requires the person to transmit the information described in subsection (c)(1) through (c)(7) for all individuals participating in the workforce related program."

Delete page 10.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 148 as reprinted January 30, 2024.)

VANNATTER

Committee Vote: yeas 10, nays 0.

