



Reprinted  
February 29, 2024

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# ENGROSSED

## SENATE BILL No. 148

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DIGEST OF SB 148 (Updated February 28, 2024 2:14 pm - 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 (division), beginning 12 months (Continued next page)

**Effective:** July 1, 2024.

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**Brown L, Rogers,**  
**Randolph Lonnie M**  
(HOUSE SPONSORS — CARBAUGH, BEHNING)

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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.  
February 28, 2024, read second time, amended, ordered engrossed.

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ES 148—LS 6503/DI 153



## Digest Continued

after the direct support professional registry is implemented, to post monthly on the division's website the total number of individuals registered under the registry. Requires the division to present information concerning the total number of individuals registered to the division of disability and rehabilitative services advisory council at least quarterly. Requires reports of newly hired employees to be filed electronically. Requires employers to provide an employee's current primary standardized occupational classification code and starting compensation on a report of a newly hired employee. Provides that each workforce focused agency shall deliver a workforce related program report to the management performance hub. Requires the management performance hub to: (1) compile the workforce related program reports into an annual data product; and (2) make the data product available to each workforce focused agency. Makes conforming amendments.

**ES 148—LS 6503/DI 153**



Reprinted  
February 29, 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

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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 each workforce**  
13 **focused agency (as defined in IC 22-4.1-1-6.5).**  
14 SECTION 3. IC 4-3-27-12, AS ADDED BY P.L.152-2018,  
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2024]: Sec. 12. (a) As used in this section, "workforce related  
17 program" has the meaning set forth in ~~IC 22-4.1-1-7~~. **IC 22-4.1-1-7(a).**

ES 148—LS 6503/DI 153



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

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

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

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

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

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

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

28 (5) The count of the following:

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

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

31 (C) Providers of the workforce related program.

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

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

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

42 (B) A cost-benefit comparison among workforce related



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



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



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



1 related program.

2 (d) The budget report shall cover and include all special and  
3 dedicated revenue funds as well as the general revenue fund and shall  
4 include the estimated amounts of federal aids, for whatever purpose  
5 provided, together with estimated expenditures therefrom.

6 (e) The budget agency shall furnish the governor with any further  
7 information required concerning the budget, and upon request shall  
8 attend hearings of committees of the general assembly on the budget  
9 bills.

10 SECTION 5. IC 12-11-16-2, AS ADDED BY P.L.228-2023,  
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2024]: Sec. 2. (a) The division shall establish and maintain a  
13 direct support professional registry to be made available to authorized  
14 division personnel and authorized service providers. The registry must:

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

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

22 (b) The division shall establish the following:

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

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

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

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

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

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

42 (1) a civil;





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

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

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

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

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

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

18 (1) the first date that an employee provides labor or services to an  
 19 employer; or

20 (2) the first date that an employee resumes providing labor or  
 21 services to an employer after a separation from service with the  
 22 employer of at least sixty (60) days.

23 **(1) has not previously been employed by the employer; or**

24 **(2) was previously employed by the employer but has been**  
 25 **separated from such prior employment for at least sixty (60)**  
 26 **consecutive days.**

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

28 (1) has the meaning set forth in Section 3401(c) of the Internal  
 29 Revenue Code; and

30 (2) includes any individual:

31 (A) required under Internal Revenue Service regulations to  
 32 complete a federal form W-4; and

33 (B) who has provided services to an employer.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

30           (A) not provide the required report; or

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

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

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

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

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

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



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

4 (m) The department of child services (established under  
 5 IC 31-25-1-1) shall:

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

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

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

16 (1) **The department.**

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

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

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

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

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

31 (1) Job training.

32 (2) The attainment of an industry recognized certification or  
 33 credential.

34 (3) The attainment of a postsecondary degree, certificate, or  
 35 credential.

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

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

39 (6) Any other program that:

40 (A) has, at least in part, the goal of securing employment or  
 41 better employment for an individual; and

42 (B) receives funding through WIOA or a state appropriation.



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

4           (1) Job training.

5           (2) The attainment of an industry recognized certification or  
6 credential.

7           (3) The attainment of a postsecondary degree, certificate, or  
8 credential.

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

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

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

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

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

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

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

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

34          (c) Before June 30, 2025, each workforce focused agency shall  
35 do the following:

36           (1) Establish a workforce related program data governance  
37 team of subject matter experts.

38           (2) Develop a common set of data elements to be used to  
39 evaluate the workforce related program.

40           (3) To the extent reasonably possible, include in a contract  
41 entered into or renewed after June 30, 2024, between a  
42 workforce focused agency and a person conducting,



1           **operating, or administering a workforce related program a**  
2           **provision that requires the person to provide the workforce**  
3           **focused agency with the common set of data elements**  
4           **developed under subdivision (2).**



## 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.

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 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.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 148 be amended to read as follows:

Page 1, line 12, delete "the department of" and insert "**each workforce focused agency (as defined in IC 22-4.1-1-6.5).**".

Page 1, delete lines 13 through 14.

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Page 7, line 7, delete "file a monthly report with the" and insert **"post monthly on the division's website the total number of individuals registered under the registry."**

Page 7, delete lines 8 through 12, begin a new paragraph and insert: **"(h) The division shall present the information required to be posted under subsection (g) to the division of disability and rehabilitative services advisory council at least quarterly."**

Page 10, delete line 25.

Page 11, delete lines 36 through 42, begin a new paragraph and insert:

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

- (1) Establish a workforce related program data governance team of subject matter experts.**
- (2) Develop a common set of data elements to be used to evaluate the workforce related program.**
- (3) To the extent reasonably possible, include in a contract entered into or renewed after June 30, 2024, between a workforce focused agency and a person conducting, operating, or administering a workforce related program a provision that requires the person to provide the workforce focused agency with the common set of data elements developed under subdivision (2)."**

Delete page 12.

(Reference is to ESB 148 as printed February 22, 2024.)

CARBAUGH

