

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.

SENATE ENROLLED ACT No. 148

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

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

SECTION 1. IC 2-5-42.4-1, AS ADDED BY P.L.174-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. As used in this chapter, "workforce related program" has the meaning set forth in ~~IC 22-4.1-1-7~~. **IC 22-4.1-1-7(a).**

SECTION 2. IC 4-3-26-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 17. The MPH shall do the following before September 1 each year:**

(1) Compile into a data product all reports delivered to the MPH under IC 22-4.1-24-3 for the twelve (12) month period ending on the preceding March 31.

(2) Make the data product available to each workforce focused agency (as defined in IC 22-4.1-1-6.5).

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

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

(c) To provide the information needed to make informed policy choices about the efficacy of each workforce related program, the



cabinet shall conduct a regular review, analysis, and evaluation of all workforce related programs.

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

- (1) The basic attributes and policy goals of the workforce related program, including the statutory and programmatic goals of the workforce related program, the original scope and purpose of the workforce related program, and how the scope or purpose has changed over time.
- (2) The estimated cost to the state to administer the workforce related program.
- (3) The workforce related program's equity, simplicity, competitiveness, public purpose, adequacy, and extent of conformance with the original purposes of the legislation enacting the workforce related program.
- (4) The types of activities on which the workforce related program is based and how effective the workforce related program has been in promoting these targeted activities and in assisting participants in the workforce related program.
- (5) The count of the following:
 - (A) Participants that enter the workforce related program.
 - (B) Participants that complete the workforce related program.
 - (C) Providers of the workforce related program.
- (6) The dollar amount allotted for the workforce related program for the most recent state fiscal year.
- (7) An estimate of the impact of the workforce related program, including the following:
 - (A) A return on investment calculation for the workforce related program. For purposes of this clause, "return on investment calculation" means analyzing the cost to the state of providing the workforce related program and analyzing the benefits realized by the participants in the workforce related program and to the state.
 - (B) A cost-benefit comparison among workforce related programs.
 - (C) An estimate of the number of jobs that were the direct result of the workforce related program.
 - (D) For the workforce related program, a statement by the chief executive officer of the state agency that administers the workforce related program as to whether the statutory and



programmatic goals of the workforce related program are being met, with obstacles to these goals identified, if possible.

(8) The methodology and assumptions used in carrying out the reviews, analyses, and evaluations required under this section.

(9) An estimate of the extent to which benefits of the workforce related program remained in Indiana or flowed outside Indiana.

(10) Whether the effectiveness of the workforce related program could be determined more definitively if the general assembly were to clarify or modify the workforce related program's goals and intended purpose.

(11) Whether measuring the workforce related program's impact is significantly limited due to data constraints and whether any changes in statute would facilitate data collection in a way that would allow for better review, analysis, or evaluation.

(12) An estimate of the indirect economic benefit or activity stimulated by the workforce related program.

(13) Any additional review, analysis, or evaluation that the cabinet considers advisable, including comparisons with workforce related programs offered by other states if those comparisons would add value to the review, analysis, and evaluation.

(e) The cabinet may request a state official or a state agency or a body corporate and politic to furnish information necessary to complete the workforce related program review, analysis, and evaluation required by this chapter. An official or entity presented with a request from the cabinet under this section shall cooperate with the cabinet in providing the requested information. An official or entity may require that the cabinet adhere to the provider's rules, if any, that concern the confidential nature of the information.

(f) The cabinet shall, before October 1 of each year, submit a report to the governor, the legislative council in an electronic format under IC 5-14-6, and the interim study committee on fiscal policy established by IC 2-5-1.3-4 containing the results of the cabinet's review, analysis, and evaluation under this chapter. The report must include at least the following for each workforce related program reviewed:

- (1) An explanation of the workforce related program.
- (2) The history of the workforce related program.
- (3) An estimate for each state fiscal year of the next biennial budget of the cost of the workforce related program.
- (4) A detailed description of the review, analysis, and evaluation for the workforce related program.
- (5) Information to be used by the governor and general assembly



to determine whether the workforce related program should be continued, modified, or terminated, the basis for the recommendation, and the expected impact of the recommendation.

(6) Information to be used by the governor and general assembly to better align the workforce related program with the original intent of the legislation that enacted the workforce related program. The report required by this section must not disclose any proprietary or otherwise confidential information.

SECTION 4. IC 4-12-1-9, AS AMENDED BY P.L.201-2023, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 9. (a) The budget agency shall assist the budget committee in the preparation of the budget report and the budget bill, using the recommendations and estimates prepared by the budget agency and the information obtained through investigation and presented at hearings. The budget committee shall consider the data, information, recommendations and estimates before it and, to the extent that there is agreement on items, matters, and amounts between the budget agency and a majority of the members of the budget committee, the committee shall organize and assemble a budget report and a budget bill or budget bills. In the event the budget agency and a majority of the members of the budget committee shall differ upon any item, matter, or amount to be included in such report and bills, the recommendation of the budget agency shall be included in the budget bill or bills, and the particular item, matter, or amount, and the extent of and reasons for the differences between the budget agency and the budget committee shall be stated fully in the budget report. The budget committee shall submit the budget report and the budget bill or bills to the governor on or before:

- (1) the second Monday of January in the year immediately following the calendar year in which the budget report and budget bill or bills are prepared, if the budget report and budget bill or bills are prepared in a calendar year other than a calendar year in which a gubernatorial election is held; or
- (2) the third Monday of January, if the budget report and budget bill or bills are prepared in the same calendar year in which a gubernatorial election is held.

The governor shall deliver to the house members of the budget committee such bill or bills for introduction into the house of representatives.

(b) Whenever during the period beginning thirty (30) days prior to a regular session of the general assembly the budget report and budget



bill or bills have been completed and printed and are available for distribution, upon the request of a member of the general assembly an informal distribution of one (1) copy of each such document shall be made by the budget committee to such members. During business hours, and as may be otherwise required during sessions of the general assembly, the budget agency shall make available to the members of the general assembly so much as they shall require of its accumulated staff information, analyses and reports concerning the fiscal affairs of the state and the current budget report and budget bill or bills.

(c) The budget report shall include at least the following parts:

(1) A statement of budget policy, including but not limited to recommendations with reference to the fiscal policy of the state for the coming budget period, and describing the important features of the budget.

(2) A general budget summary setting forth the aggregate figures of the budget to show the total proposed expenditures and the total anticipated income, and the surplus or deficit.

(3) The detailed data on actual receipts and expenditures for the previous fiscal year or two (2) fiscal years depending upon the length of the budget period for which the budget bill or bills is proposed, the estimated receipts and expenditures for the current year, and for the ensuing budget period, and the anticipated balances at the end of the current fiscal year and the ensuing budget period. Such data shall be supplemented with necessary explanatory schedules and statements, including a statement of any differences between the recommendations of the budget agency and of the budget committee.

(4) A description of the capital improvement program for the state and an explanation of its relation to the budget.

(5) The budget bills.

(6) The tax expenditure report prepared by the legislative services agency under IC 2-5-3.2-2.

(7) For each appropriation in the governor's recommended budget bill that is made to a state provider, as defined in IC 22-4.1-1-5.5, for a workforce related program, as defined in ~~IC 22-4.1-1-7~~, **IC 22-4.1-1-7(a)**, a summary and justification for the workforce related program.

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

(e) The budget agency shall furnish the governor with any further



information required concerning the budget, and upon request shall attend hearings of committees of the general assembly on the budget bills.

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 post monthly on the division's



website the total number of individuals registered under the registry.

(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.

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 ~~(f)~~ (i).

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

~~(f)~~ (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.

SECTION 7. 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.**

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

- (1) Job training.
- (2) The attainment of an industry recognized certification or credential.
- (3) The attainment of a postsecondary degree, certificate, or credential.
- (4) The provision of other types of employment assistance.
- (5) The promotion of Indiana to workers or the provision of assistance to a worker relocating to Indiana for employment.
- (6) Any other program that:
 - (A) has, at least in part, the goal of securing employment or better employment for an individual; and
 - (B) receives funding through WIOA or a state appropriation.

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

- (1) **Job training.**
- (2) **The attainment of an industry recognized certification or credential.**



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

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

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

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

The term does not include an apprenticeship program for which funding is received under IC 22-4-25-1(c).

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) 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).



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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