



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 39, line 2, delete "609,945 609,945" and insert "**1,000,000**
- 2 **1,000,000**".
- 3 Page 64, delete lines 1 through 3.
- 4 Page 74, delete line 15.
- 5 Page 81, between lines 11 and 12, begin a new paragraph and insert:
- 6 "SECTION 36. IC 4-12-1-21 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 8 **1, 2021]: Sec. 21. If, in compiling a state general fund combined**
- 9 **statement of estimated unappropriated reserve, the budget agency**
- 10 **determines that the net combined balances as a percent of current**
- 11 **year resources equal an amount that exceeds eleven percent (11%),**
- 12 **the budget agency shall transfer one hundred million dollars**
- 13 **(\$100,000,000) to the student loan relief grant program fund**
- 14 **established by IC 21-12-18-2.**"
- 15 Page 106, between lines 40 and 41, begin a new paragraph and
- 16 insert:
- 17 "SECTION 64. IC 6-3-2-22, AS AMENDED BY P.L.92-2020,
- 18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JANUARY 1, 2022]: Sec. 22. (a) The following definitions apply
- 20 throughout this section:
- 21 (1) "Dependent child" means an individual who:

- 1 (A) is eligible to receive a free elementary or high school
 2 education in an Indiana school corporation;
 3 (B) qualifies as a dependent (as defined in Section 152 of the
 4 Internal Revenue Code) of the taxpayer; and
 5 (C) is the natural or adopted child of the taxpayer or, if custody
 6 of the child has been awarded in a court proceeding to
 7 someone other than the mother or father, the court appointed
 8 guardian or custodian of the child.
- 9 If the parents of a child are divorced, the term refers to the parent
 10 who is eligible to take the exemption for the child under Section
 11 151 of the Internal Revenue Code.
- 12 (2) "Education expenditure" refers to any expenditures made in
 13 connection with enrollment, attendance, or participation of the
 14 taxpayer's dependent child in a **public school**, private elementary,
 15 or high school education program. The term includes tuition, fees,
 16 computer software, textbooks, workbooks, curricula, school
 17 supplies (other than personal computers), and other written
 18 materials used primarily for academic instruction or for academic
 19 tutoring, or both.
- 20 (3) "Private elementary or high school education program" means
 21 attendance at:
 22 (A) a nonpublic school (as defined in IC 20-18-2-12); or
 23 (B) a state accredited nonpublic school (as defined in
 24 IC 20-18-2-18.7);
 25 in Indiana that satisfies a child's obligation under IC 20-33-2 for
 26 compulsory attendance at a school. ~~The term does not include the~~
 27 ~~delivery of instructional service in a home setting to a dependent~~
 28 ~~child who is enrolled in a school corporation or a charter school.~~
- 29 (4) **"Public school" means attendance at:**
 30 (A) **a public school (as defined in IC 20-18-2-15); or**
 31 (B) **a charter school (as defined in IC 20-24-1-4);**
 32 **in Indiana that satisfies a child's obligation under IC 20-33-2**
 33 **for compulsory attendance at a school.**
- 34 (b) This section applies to taxable years beginning after December
 35 31, 2010.
- 36 (c) A taxpayer who makes an unreimbursed education expenditure
 37 during the taxpayer's taxable year is entitled to a deduction against the
 38 taxpayer's adjusted gross income in the taxable year.
- 39 (d) The amount of the deduction is:
 40 (1) ~~one thousand dollars (\$1,000);~~ **five hundred dollars (\$500);**
 41 multiplied by
 42 (2) the number of the taxpayer's dependent children for whom the
 43 taxpayer made education expenditures in the taxable year.
- 44 A husband and wife are entitled to only one (1) deduction under this
 45 section.
- 46 (e) To receive the deduction provided by this section, a taxpayer

1 must claim the deduction on the taxpayer's annual state tax return or
2 returns in the manner prescribed by the department.

3 SECTION 65. IC 6-3.1-21-6, AS AMENDED BY P.L.214-2018(ss),
4 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2022]: Sec. 6. (a) Except as provided by subsections (b),
6 (d), ~~and~~ (e), **and (f)**, an individual who is eligible for an earned income
7 tax credit under Section 32 of the Internal Revenue Code as it existed
8 before being amended by the Tax Relief, Unemployment Insurance
9 Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), is
10 eligible for a credit under this chapter equal to:

- 11 **(1) for taxable years beginning after December 31, 2021, and**
12 **ending before January 1, 2023, ten percent (10%)** ~~nine percent~~
13 ~~(9%)~~ **of the amount of the federal earned income tax credit; and**
14 **(2) for taxable years beginning after December 31, 2022,**
15 **twelve percent (12%) of the amount of the federal earned**
16 **income tax credit;**

17 that the individual ~~(1)~~ is eligible to receive in the taxable year, and ~~(2)~~
18 claimed for the taxable year under Section 32 of the Internal Revenue
19 Code as it existed before being amended by the Tax Relief,
20 Unemployment Insurance Reauthorization, and Job Creation Act of
21 2010 (P.L. 111-312).

22 (b) In the case of a nonresident taxpayer or a resident taxpayer
23 residing in Indiana for a period of less than the taxpayer's entire taxable
24 year, the amount of the credit is equal to the product of:

- 25 (1) the amount determined under subsection (a); multiplied by
26 (2) the quotient of the taxpayer's income taxable in Indiana
27 divided by the taxpayer's total income.

28 (c) If the credit amount exceeds the taxpayer's adjusted gross
29 income tax liability for the taxable year, the excess shall be refunded
30 to the taxpayer.

31 (d) If a taxpayer properly elects to determine the taxpayer's earned
32 income in accordance with the federal Bipartisan Budget Act of 2018
33 for purposes of the credit under Section 32 of the Internal Revenue
34 Code for a taxable year beginning after December 31, 2016, the
35 election shall be treated as being made for purposes of the credit under
36 this chapter.

37 (e) The minimum earned income amounts and phaseout threshold
38 amounts for the credit under this section are subject to the same cost of
39 living adjustments provided in the Internal Revenue Code.

40 **(f) For taxable years:**

- 41 **(1) beginning after December 31, 2021, and ending before**
42 **January 1, 2023, the maximum amount of an individual's**
43 **credit under this chapter may not exceed six hundred fifty**
44 **dollars (\$650); and**
45 **(2) beginning after December 31, 2022, the maximum amount**
46 **of an individual's credit under this chapter may not exceed**

- 1 **seven hundred dollars (\$700)."**
- 2 Page 125, delete lines 21 through 29.
- 3 Page 150, between lines 12 and 13, begin a new paragraph and
- 4 insert:
- 5 "SECTION 132. IC 21-12-18 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2021]:
- 8 **Chapter 18. Student Loan Relief Grant Program**
- 9 **Sec. 1. (a) The student loan relief grant program is established.**
- 10 **(b) The commission shall administer the student loan relief**
- 11 **grant program.**
- 12 **Sec. 2. (a) The student loan relief grant program fund is**
- 13 **established to assist Indiana residents with outstanding student**
- 14 **loans.**
- 15 **(b) The fund consists of the following:**
- 16 **(1) Appropriations by the general assembly.**
- 17 **(2) Gifts to the fund.**
- 18 **(3) A transfer of funds from the Indiana secondary market for**
- 19 **education loans, as established, incorporated, and designated**
- 20 **under IC 21-16-5-1, if such a transfer is made.**
- 21 **(4) A transfer of funds described in IC 4-12-1-21.**
- 22 **Sec. 3. (a) The commission shall administer the fund.**
- 23 **(b) The expenses of administering the fund shall be paid from**
- 24 **money in the fund.**
- 25 **(c) The treasurer of state shall invest the money in the fund not**
- 26 **currently needed to meet the obligations of the fund in the same**
- 27 **manner as other public funds. Interest that accrues from those**
- 28 **investments shall be deposited in the fund.**
- 29 **(d) Money in the fund at the end of a fiscal year does not revert**
- 30 **to the state general fund but remains available to be used to**
- 31 **provide money for student loan relief grants under this chapter.**
- 32 **Sec. 4. (a) The money in the fund must be used to provide a**
- 33 **student loan relief grant to individuals who are residents of**
- 34 **Indiana.**
- 35 **(b) Subject to section 8 of this chapter, a student loan relief**
- 36 **grant awarded in a particular year under this section is equal to**
- 37 **the lesser of the following amounts:**
- 38 **(1) The balance of the individual's total amount of student**
- 39 **loans.**
- 40 **(2) Five thousand dollars (\$5,000).**
- 41 **(c) An individual is eligible for a student loan relief grant under**
- 42 **this chapter if the individual meets the qualifications under section**
- 43 **5 of this chapter.**
- 44 **Sec. 5. To qualify for a student loan relief grant from the fund,**
- 45 **an individual must:**
- 46 **(1) be a resident of Indiana;**
- 47 **(2) have an income that does not exceed one hundred fifty**

- 1 percent (150%) of the federal poverty level as determined by
- 2 the federal Office of Management and Budget;
- 3 **(3) have an outstanding student loan balance of at least five**
- 4 **thousand dollars (\$5,000); and**
- 5 **(4) be approved by the commission.**

6 **Sec. 6. The commission shall annually allocate the available**
 7 **money in the fund to each individual approved under this chapter**
 8 **in proportion to the total number of individuals approved under**
 9 **this chapter.**

10 **Sec. 7. Each:**
 11 **(1) individual who applies under this chapter; and**
 12 **(2) individual approved under this chapter;**
 13 **shall provide to the commission any information that the**
 14 **commission determines is necessary to administer this chapter.**

15 **Sec. 8. The commission shall develop criteria as needed to**
 16 **implement the student loan relief grant program under this**
 17 **chapter."**

18 Page 150, between lines 40 and 41, begin a new paragraph and
 19 insert:

20 "SECTION 134. IC 22-2-2-3, AS AMENDED BY P.L.7-2019,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 3. As used in this chapter:

23 "Commissioner" means the commissioner of labor or the
 24 commissioner's authorized representative.

25 "Department" means the department of labor.

26 "Occupation" means an industry, trade, business, or class of work
 27 in which employees are gainfully employed.

28 "Employer" means any individual, partnership, association, limited
 29 liability company, corporation, business trust, the state, or other
 30 governmental agency or political subdivision during any work week in
 31 which they have two (2) or more employees. However, **except as**
 32 **provided in section 14 of this chapter**, it shall not include any
 33 employer who is subject to the minimum wage provisions of the federal
 34 Fair Labor Standards Act of 1938, as amended (~~29 U.S.C. 201-209~~):
 35 **(29 U.S.C. 201 et seq.).**

36 "Employee" means any person employed or permitted to work or
 37 perform any service for remuneration or under any contract of hire,
 38 written or oral, express or implied by an employer in any occupation,
 39 but shall not include any of the following:

- 40 (a) Persons less than sixteen (16) years of age.
- 41 (b) Persons engaged in an independently established trade,
 42 occupation, profession, or business who, in performing the
 43 services in question, are free from control or direction both under
 44 a contract of service and in fact.
- 45 (c) Persons performing services not in the course of the
 46 employing unit's trade or business.

- 1 (d) Persons employed on a commission basis.
- 2 (e) Persons employed by their own parent, spouse, or child.
- 3 (f) Members of any religious order performing any service for that
- 4 order, any ordained, commissioned, or licensed minister, priest,
- 5 rabbi, sexton, or Christian Science reader, and volunteers
- 6 performing services for any religious or charitable organization.
- 7 (g) Persons performing services as student nurses in the employ
- 8 of a hospital or nurses training school while enrolled and
- 9 regularly attending classes in a nurses training school chartered
- 10 or approved under law, or students performing services in the
- 11 employ of persons licensed as both funeral directors and
- 12 embalmers as a part of their requirements for apprenticeship to
- 13 secure an embalmer's license or a funeral director's license from
- 14 the state, or during their attendance at any schools required by law
- 15 for securing an embalmer's or funeral director's license.
- 16 (h) Persons who have completed a four (4) year course in a
- 17 medical school approved by law when employed as interns or
- 18 resident physicians by any accredited hospital.
- 19 (i) Students performing services for any school, college, or
- 20 university in which they are enrolled and are regularly attending
- 21 classes.
- 22 (j) Persons with physical or mental disabilities performing
- 23 services for nonprofit organizations organized primarily for the
- 24 purpose of providing employment for persons with disabilities or
- 25 for assisting in their therapy and rehabilitation.
- 26 (k) Persons employed as insurance producers, insurance
- 27 solicitors, and outside salesmen, if all their services are performed
- 28 for remuneration solely by commission.
- 29 (l) Persons performing services for any camping, recreational, or
- 30 guidance facilities operated by a charitable, religious, or
- 31 educational nonprofit organization.
- 32 (m) Persons engaged in agricultural labor. The term shall include
- 33 only services performed:
- 34 (1) on a farm, in connection with cultivating the soil, or in
- 35 connection with raising or harvesting any agricultural or
- 36 horticultural commodity, including the raising, shearing,
- 37 feeding, caring for, training, and management of livestock,
- 38 bees, poultry, and furbearing animals and wildlife;
- 39 (2) in the employ of the owner or tenant or other operator of a
- 40 farm, in connection with the operation, management,
- 41 conservation, improvement, or maintenance of the farm and its
- 42 tools and equipment if the major part of the service is
- 43 performed on a farm;
- 44 (3) in connection with:
- 45 (A) the production or harvesting of maple sugar or maple
- 46 syrup or any commodity defined as an agricultural

- 1 commodity in the Agricultural Marketing Act, as amended
 2 (12 U.S.C. 1141j);
 3 (B) the raising or harvesting of mushrooms;
 4 (C) the hatching of poultry; or
 5 (D) the operation or maintenance of ditches, canals,
 6 reservoirs, or waterways used exclusively for supplying and
 7 storing water for farming purposes; and
 8 (4) in handling, planting, drying, packing, packaging,
 9 processing, freezing, grading, storing, or delivering to storage,
 10 to market, or to a carrier for transportation to market, any
 11 agricultural or horticultural commodity, but only if service is
 12 performed as an incident to ordinary farming operation or, in
 13 the case of fruits and vegetables, as an incident to the
 14 preparation of fruits and vegetables for market. However, this
 15 exception shall not apply to services performed in connection
 16 with any agricultural or horticultural commodity after its
 17 delivery to a terminal market or processor for preparation or
 18 distribution for consumption.
- 19 As used in this subdivision, "farm" includes stock, dairy, poultry,
 20 fruit, furbearing animals, and truck farms, nurseries, orchards, or
 21 greenhouses or other similar structures used primarily for the
 22 raising of agricultural or horticultural commodities.
- 23 (n) Those persons employed in executive, administrative, or
 24 professional occupations who have the authority to employ or
 25 discharge and who earn one hundred fifty dollars (\$150) or more
 26 a week, and outside salesmen.
- 27 (o) Any person not employed for more than four (4) weeks in any
 28 four (4) consecutive three (3) month periods.
- 29 (p) Any employee with respect to whom the Interstate Commerce
 30 Commission has power to establish qualifications and maximum
 31 hours of service under the federal Motor Carrier Act of 1935 (49
 32 U.S.C. 304(3)) or any employee of a carrier subject to IC 8-2.1.
- 33 (q) A person engaged in services as a direct seller. The term shall
 34 include only services performed:
- 35 (1) by a person that is in the trade or business of:
 36 (A) selling, or soliciting the sale of, consumer products or
 37 services to any buyer on a buy-sell basis,
 38 deposit-commission basis, or similar basis, in any place
 39 other than in a permanent retail establishment; or
 40 (B) selling, or soliciting the sale of, consumer products or
 41 services in any place other than in a permanent retail
 42 establishment;
- 43 (2) when substantially all the remuneration, whether or not
 44 paid in cash, for the performance of the services is directly
 45 related to sales or other output, including the performance of
 46 services, rather than the number of hours worked; and

1 (3) when the services performed by the person are performed
 2 pursuant to a written contract and the contract provides that
 3 the person who performs the services will not be treated as an
 4 employee for tax purposes under the contract.

5 SECTION 135. IC 22-2-2-4, AS AMENDED BY P.L.147-2020,
 6 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2021]: Sec. 4. (a) No employer having employees subject to
 8 any provisions of this section shall discriminate, within any
 9 establishment in which employees are employed, between employees
 10 on the basis of sex by paying to employees in such establishment a rate
 11 less than the rate at which the employer pays wages to employees of the
 12 opposite sex in such establishment for equal work on jobs the
 13 performance of which requires equal skill, effort, and responsibility,
 14 and which are performed under similar working conditions, except
 15 where such payment is made pursuant to:

- 16 (1) a seniority system;
 17 (2) a merit system;
 18 (3) a system which measures earnings by quantity or quality of
 19 production; or
 20 (4) a differential based on any other factor other than sex.

21 (b) An employer who is paying a wage rate differential in violation
 22 of subsection (a) shall not, in order to comply with subsection (a),
 23 reduce the wage rate of any employee, and no labor organization, or its
 24 agents, representing employees of an employer having employees
 25 subject to subsection (a) shall cause or attempt to cause such an
 26 employer to discriminate against an employee in violation of
 27 subsection (a).

28 (c) Except as provided in ~~subsection (d)~~, **subsections (d), (e), and**
 29 **(f)**, every employer employing at least two (2) employees during a work
 30 week shall, in any work week in which the employer is subject to this
 31 chapter, pay each of the employees in any work week beginning on or
 32 after June 30, 2007, **and before January 1, 2022**, wages of not less
 33 than the minimum wage payable under the federal Fair Labor
 34 Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

35 **(d) Except as provided in subsections (e), (f), and (h), every**
 36 **employer shall, in any work week in which the employer is subject**
 37 **to this chapter, pay each of the employees in any work week**
 38 **beginning on or after January 1, 2022, and before January 1, 2023,**
 39 **wages of not less than eight dollars (\$8) an hour.**

40 **(e) Except as provided in subsections (f) and (h), if the state**
 41 **employment rate is five percent (5%) or higher as determined in**
 42 **December 2022 by the federal department of labor's bureau of**
 43 **labor statistics information, every employer shall, in any work**
 44 **week in which the employer is subject to this chapter, pay each of**
 45 **the employees in any work week beginning on or after January 1,**
 46 **2023, wages of not less than nine dollars (\$9) an hour.**

1 ~~(d)~~ **(f)** An employer subject to ~~subsection (e)~~ **subsections (c), (d),**
 2 **or (e), whichever is applicable,** is permitted to apply a tip credit in
 3 determining the amount of cash wage paid to tipped employees. In
 4 determining the wage an employer is required to pay a tipped
 5 employee, the amount paid the employee by the employee's employer
 6 must be an amount equal to:

7 (1) the cash wage paid the employee, which for purposes of the
 8 determination may be not less than the cash wage required to be
 9 paid to employees covered under the federal Fair Labor Standards
 10 Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20,
 11 1996, which amount is two dollars and thirteen cents (\$2.13) an
 12 hour; and

13 (2) an additional amount on account of the tips received by the
 14 employee, which amount is equal to the difference between the
 15 wage specified in subdivision (1) and the wage in effect under
 16 ~~subsection (e)~~. **subsections (c), (d), or (e), whichever is**
 17 **applicable.**

18 An employer is responsible for supporting the amount of tip credit
 19 taken through reported tips by the employees.

20 ~~(e)~~ **(g)** This section does not apply if an employee:

21 (1) provides companionship services to the aged and infirm (as
 22 defined in 29 CFR 552.6); and

23 (2) is employed by an employer or agency other than the family
 24 or household using the companionship services, as provided in 29
 25 CFR 552.109 (a).

26 ~~(f)~~ **(h)** Except as otherwise provided in this section, no employer
 27 shall employ any employee for a work week longer than forty (40)
 28 hours unless the employee receives compensation for employment in
 29 excess of forty (40) hours at a rate not less than one and one-half (1.5)
 30 times the regular rate at which the employee is employed.

31 ~~(g)~~ **(i)** For purposes of this section the following apply:

32 (1) "Overtime compensation" means the compensation required
 33 by subsection ~~(f)~~: **(h)**.

34 (2) "Compensatory time" and "compensatory time off" mean
 35 hours during which an employee is not working, which are not
 36 counted as hours worked during the applicable work week or
 37 other work period for purposes of overtime compensation, and for
 38 which the employee is compensated at the employee's regular
 39 rate.

40 (3) "Regular rate" means the rate at which an employee is
 41 employed is considered to include all remuneration for
 42 employment paid to, or on behalf of, the employee, but is not
 43 considered to include the following:

44 (A) Sums paid as gifts, payments in the nature of gifts made at
 45 Christmas time or on other special occasions, as a reward for
 46 service, the amounts of which are not measured by or

- 1 dependent on hours worked, production, or efficiency.
- 2 (B) Payments made for occasional periods when no work is
- 3 performed due to vacation, holiday, illness, failure of the
- 4 employer to provide sufficient work, or other similar cause,
- 5 reasonable payments for traveling expenses, or other expenses,
- 6 incurred by an employee in the furtherance of the employer's
- 7 interests and properly reimbursable by the employer, and other
- 8 similar payments to an employee which are not made as
- 9 compensation for the employee's hours of employment.
- 10 (C) Sums paid in recognition of services performed during a
- 11 given period if:
- 12 (i) both the fact that payment is to be made and the amount
- 13 of the payment are determined at the sole discretion of the
- 14 employer at or near the end of the period and not pursuant
- 15 to any prior contract, agreement, or promise causing the
- 16 employee to expect the payments regularly;
- 17 (ii) the payments are made pursuant to a bona fide profit
- 18 sharing plan or trust or bona fide thrift or savings plan,
- 19 meeting the requirements of the administrator set forth in
- 20 appropriately issued regulations, having due regard among
- 21 other relevant factors, to the extent to which the amounts
- 22 paid to the employee are determined without regard to hours
- 23 of work, production, or efficiency; or
- 24 (iii) the payments are talent fees paid to performers,
- 25 including announcers, on radio and television programs.
- 26 (D) Contributions irrevocably made by an employer to a
- 27 trustee or third person pursuant to a bona fide plan for
- 28 providing old age, retirement, life, accident, or health
- 29 insurance or similar benefits for employees.
- 30 (E) Extra compensation provided by a premium rate paid for
- 31 certain hours worked by the employee in any day or work
- 32 week because those hours are hours worked in excess of eight
- 33 (8) in a day or in excess of the maximum work week
- 34 applicable to the employee under subsection (f) (h) or in
- 35 excess of the employee's normal working hours or regular
- 36 working hours, as the case may be.
- 37 (F) Extra compensation provided by a premium rate paid for
- 38 work by the employee on Saturdays, Sundays, holidays, or
- 39 regular days of rest, or on the sixth or seventh day of the work
- 40 week, where the premium rate is not less than one and one-half
- 41 (1.5) times the rate established in good faith for like work
- 42 performed in nonovertime hours on other days.
- 43 (G) Extra compensation provided by a premium rate paid to
- 44 the employee, in pursuance of an applicable employment
- 45 contract or collective bargaining agreement, for work outside
- 46 of the hours established in good faith by the contract or

1 agreement as the basic, normal, or regular workday (not
2 exceeding eight (8) hours) or work week (not exceeding the
3 maximum work week applicable to the employee under
4 subsection ~~(f)~~ **(h)**) where the premium rate is not less than one
5 and one-half (1.5) times the rate established in good faith by
6 the contract or agreement for like work performed during the
7 workday or work week.

8 ~~(h)~~ **(j)** No employer shall be considered to have violated subsection
9 ~~(f)~~ **(h)** by employing any employee for a work week in excess of that
10 specified in subsection ~~(f)~~ **(h)** without paying the compensation for
11 overtime employment prescribed therein if the employee is so
12 employed:

- 13 (1) in pursuance of an agreement, made as a result of collective
14 bargaining by representatives of employees certified as bona fide
15 by the National Labor Relations Board, which provides that no
16 employee shall be employed more than one thousand forty (1,040)
17 hours during any period of twenty-six (26) consecutive weeks; or
- 18 (2) in pursuance of an agreement, made as a result of collective
19 bargaining by representatives of employees certified as bona fide
20 by the National Labor Relations Board, which provides that
21 during a specified period of fifty-two (52) consecutive weeks the
22 employee shall be employed not more than two thousand two
23 hundred forty (2,240) hours and shall be guaranteed not less than
24 one thousand eight hundred forty (1,840) hours (or not less than
25 forty-six (46) weeks at the normal number of hours worked per
26 week, but not less than thirty (30) hours per week) and not more
27 than two thousand eighty (2,080) hours of employment for which
28 the employee shall receive compensation for all hours guaranteed
29 or worked at rates not less than those applicable under the
30 agreement to the work performed and for all hours in excess of
31 the guaranty which are also in excess of the maximum work week
32 applicable to the employee under subsection (f) or two thousand
33 eighty (2,080) in that period at rates not less than one and
34 one-half (1.5) times the regular rate at which the employee is
35 employed.

36 ~~(h)~~ **(k)** No employer shall be considered to have violated subsection
37 ~~(f)~~ **(h)** by employing any employee for a work week in excess of the
38 maximum work week applicable to the employee under subsection ~~(f)~~
39 **(h)** if the employee is employed pursuant to a bona fide individual
40 contract, or pursuant to an agreement made as a result of collective
41 bargaining by representatives of employees, if the duties of the
42 employee necessitate irregular hours of work, and the contract or
43 agreement includes the following:

- 44 (1) Specifies a regular rate of pay of not less than the minimum
45 hourly rate provided in subsections (c), ~~and~~ (d), **(e), and (f)**
46 (whichever is applicable) and compensation at not less than one

1 and one-half (1.5) times that rate for all hours worked in excess
2 of the maximum work week.
3 (2) Provides a weekly guaranty of pay for not more than sixty (60)
4 hours based on the rates so specified.
5 ~~(j)~~ **(i)** No employer shall be considered to have violated subsection
6 ~~(f)~~ **(h)** by employing any employee for a work week in excess of the
7 maximum work week applicable to the employee under that subsection
8 if, pursuant to an agreement or understanding arrived at between the
9 employer and the employee before performance of the work, the
10 amount paid to the employee for the number of hours worked by the
11 employee in the work week in excess of the maximum work week
12 applicable to the employee under that subsection:
13 (1) in the case of an employee employed at piece rates, is
14 computed at piece rates not less than one and one-half (1.5) times
15 the bona fide piece rates applicable to the same work when
16 performed during nonovertime hours;
17 (2) in the case of an employee performing two (2) or more kinds
18 of work for which different hourly or piece rates have been
19 established, is computed at rates not less than one and one-half
20 (1.5) times those bona fide rates applicable to the same work
21 when performed during nonovertime hours; or
22 (3) is computed at a rate not less than one and one-half (1.5) times
23 the rate established by the agreement or understanding as the
24 basic rate to be used in computing overtime compensation
25 thereunder, provided that the rate so established shall be
26 substantially equivalent to the average hourly earnings of the
27 employee, exclusive of overtime premiums, in the particular work
28 over a representative period of time;
29 and if the employee's average hourly earnings for the work week
30 exclusive of payments described in this section are not less than the
31 minimum hourly rate required by applicable law, and extra overtime
32 compensation is properly computed and paid on other forms of
33 additional pay required to be included in computing the regular rate.
34 ~~(k)~~ **(m)** Extra compensation paid as described in this section shall
35 be creditable toward overtime compensation payable pursuant to this
36 section.
37 ~~(l)~~ **(n)** No employer shall be considered to have violated subsection
38 ~~(f)~~ **(h)** by employing any employee of a retail or service establishment
39 for a work week in excess of the applicable work week specified
40 therein, if:
41 (1) the regular rate of pay of the employee is in excess of one and
42 one-half (1.5) times the minimum hourly rate applicable to the
43 employee under section 2 of this chapter; and
44 (2) more than half of the employee's compensation for a
45 representative period (not less than one (1) month) represents
46 commissions on goods or services.

1 In determining the proportion of compensation representing
 2 commissions, all earnings resulting from the application of a bona fide
 3 commission rate shall be considered commissions on goods or services
 4 without regard to whether the computed commissions exceed the draw
 5 or guarantee.

6 ~~(m)~~ **(o)** No employer engaged in the operation of a hospital or an
 7 establishment which is an institution primarily engaged in the care of
 8 the sick, the aged, or individuals with a mental illness or defect who
 9 reside on the premises shall be considered to have violated subsection
 10 ~~(f)~~ **(h)** if, pursuant to an agreement or understanding arrived at between
 11 the employer and the employee before performance of the work, a work
 12 period of fourteen (14) consecutive days is accepted in lieu of the work
 13 week of seven (7) consecutive days for purposes of overtime
 14 computation and if, for the employee's employment in excess of eight
 15 (8) hours in any workday and in excess of eighty (80) hours in that
 16 fourteen (14) day period, the employee receives compensation at a rate
 17 not less than one and one-half (1.5) times the regular rate at which the
 18 employee is employed.

19 ~~(n)~~ **(p)** No employer shall employ any employee in domestic service
 20 in one (1) or more households for a work week longer than forty (40)
 21 hours unless the employee receives compensation for that employment
 22 in accordance with subsection ~~(f)~~ **(h)**.

23 ~~(o)~~ **(q)** In the case of an employee of an employer engaged in the
 24 business of operating a street, a suburban or interurban electric railway,
 25 or a local trolley or motorbus carrier (regardless of whether or not the
 26 railway or carrier is public or private or operated for profit or not for
 27 profit), in determining the hours of employment of such an employee
 28 to which the rate prescribed by subsection ~~(f)~~ **(h)** applies, there shall be
 29 excluded the hours the employee was employed in charter activities by
 30 the employer if both of the following apply:

31 (1) The employee's employment in the charter activities was
 32 pursuant to an agreement or understanding with the employer
 33 arrived at before engaging in that employment.

34 (2) If employment in the charter activities is not part of the
 35 employee's regular employment.

36 ~~(p)~~ **(r)** Any employer may employ any employee for a period or
 37 periods of not more than ten (10) hours in the aggregate in any work
 38 week in excess of the maximum work week specified in subsection ~~(f)~~
 39 **(h)** without paying the compensation for overtime employment
 40 prescribed in subsection ~~(f)~~ **(h)**, if during that period or periods the
 41 employee is receiving remedial education that:

42 (1) is provided to employees who lack a high school diploma or
 43 educational attainment at the eighth grade level;

44 (2) is designed to provide reading and other basic skills at an
 45 eighth grade level or below; and

46 (3) does not include job specific training.

1 ~~(e)~~ **(s)** Subsection ~~(f)~~ **(h)** does not apply to an employee of a motion
2 picture theater.

3 ~~(f)~~ **(t)** Subsection ~~(f)~~ **(h)** does not apply to an employee of a seasonal
4 amusement or recreational establishment, an organized camp, or a
5 religious or nonprofit educational conference center that is exempt
6 under the federal Fair Labor Standards Act of 1938, as amended (29
7 U.S.C. 213).

8 ~~(g)~~ **(u)** Subsection ~~(f)~~ **(h)** does not apply to an employee of an air
9 carrier subject to Title II of the federal Railway Labor Act (45 U.S.C.
10 181 et seq.) to the extent that the hours worked by the employee during
11 a work week in excess of forty (40) hours are not required by the air
12 carrier but are arranged through a voluntary agreement between
13 employees to trade or reassign their scheduled work hours.

14 SECTION 136. IC 22-2-2-14 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2021]: **Sec. 14. (a) This section applies to an
17 employer that is subject to the minimum wage provisions of the
18 federal Fair Labor Standards Act of 1938, as amended (29 U.S.C.
19 201 et seq.).**

20 **(b) Except as provided in subsection (c), if the minimum hourly
21 wage required under section 4 of this chapter is higher than the
22 minimum wage provisions of the federal Fair Labor Standards Act
23 of 1938, as amended (29 U.S.C. 201 et seq.), an employer shall pay
24 the minimum hourly wage required under section 4 of this chapter.**

25 **(c) Subsection (b) does not apply to an employee subject to 29
26 U.S.C. 206(g) or 29 U.S.C. 213."**

27 Page 157, delete lines 27 through 32, begin a new paragraph and
28 insert:

29 "SECTION 146. [EFFECTIVE UPON PASSAGE] **(a) One
30 hundred ten million dollars (\$110,000,000) is appropriated from
31 the state general fund to the budget agency for the state fiscal year
32 ending June 30, 2021, to:**

- 33 **(1) defease any remaining bonds issued by the recreational
34 development commission or the state fair commission; and**
- 35 **(2) pay regularly scheduled payments on remaining bonds
36 issued by the state office building commission.**

37 **Money appropriated under this SECTION may not be used to pay
38 in full any remaining balance on bonds issued by the state office
39 building commission.**

40 **(b) This SECTION expires January 1, 2022.**

41 SECTION 147. [EFFECTIVE JULY 1, 2021] **(a) Before July 1,
42 2022, the governor shall request that the board of directors of the
43 Indiana secondary market for education loans, as established,
44 incorporated, and designated under IC 21-16-5-1, transfer one
45 hundred million dollars (\$100,000,000) in cash or cash equivalents
46 from the Indiana secondary market for education loans to the**

- 1 **treasurer of state for deposit in the student loan relief grant**
- 2 **program fund established by IC 21-12-18-2, as added by this act.**
- 3 **(b) This SECTION expires January 1, 2023."**
- 4 Renumber all SECTIONS consecutively.
(Reference is to HB 1001 as printed February 15, 2021.)

Representative Porter