



February 18, 2022

ENGROSSED HOUSE BILL No. 1094

DIGEST OF HB 1094 (Updated February 16, 2022 7:35 pm - DI 110)

Citations Affected: IC 5-22; IC 20-20.

Synopsis: Insurance coverage for work based learning. Requires, not later than December 31, 2022, the department of education (department) to: (1) issue a request for proposals for the purpose of contracting with a company to provide; or (2) enter into a memorandum of understanding with a statewide entity to facilitate the procurement of; adequate employer liability and worker's compensation insurance coverage for employers that employ students in work based learning courses. Specifies an exception. Provides that the total amount of funds that the department may expend to carry out the request for proposals or the memorandum of understanding must be less than \$100,000. Provides that an employer: (1) may purchase the employer liability and worker's compensation coverage; and (2) is responsible for paying any costs associated with purchasing the coverage.

Effective: July 1, 2022.

Teshka, Behning, Goodrich, Ellington

(SENATE SPONSORS — ROGERS, RAATZ)

January 4, 2022, read first time and referred to Committee on Education.

January 10, 2022, amended, reported — Do Pass.

January 12, 2022, read second time, ordered engrossed. Engrossed.

January 13, 2022, read third time, passed. Yeas 88, nays 0.

SENATE ACTION

February 1, 2022, read first time and referred to Committee on Education and Career Development.

February 17, 2022, amended, reported favorably — Do Pass.

EH 1094—LS 7033/DI 144



February 18, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1094

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

- 1 SECTION 1. IC 5-22-1-2, AS AMENDED BY P.L.268-2017,
2 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 2. Except as provided in this article, this article
4 does not apply to the following:
- 5 (1) The commission for higher education.
 - 6 (2) A state educational institution. However, IC 5-22-5-9 and
7 IC 5-22-15 apply to a state educational institution.
 - 8 (3) Military officers and military and armory boards of the state.
 - 9 (4) An entity established by the general assembly as a body
10 corporate and politic. However, IC 5-22-15 applies to a body
11 corporate and politic.
 - 12 (5) A local hospital authority under IC 5-1-4.
 - 13 (6) A municipally owned utility under IC 8-1-11.1 or IC 8-1.5.
 - 14 (7) Hospitals established and operated under IC 16-22-1 through
15 IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.
 - 16 (8) A library board under IC 36-12-3-16(b).
 - 17 (9) A local housing authority under IC 36-7-18.

EH 1094—LS 7033/DI 144



- 1 (10) Tax exempt Indiana nonprofit corporations leasing and
 2 operating a city market owned by a political subdivision.
 3 (11) A person paying for a purchase or lease with funds other than
 4 public funds.
 5 (12) A person that has entered into an agreement with a
 6 governmental body under IC 5-23.
 7 (13) A municipality for the operation of municipal facilities used
 8 for the collection, treatment, purification, and disposal in a
 9 sanitary manner of liquid and solid waste, sewage, night soil, and
 10 industrial waste.
 11 (14) The department of financial institutions established by
 12 IC 28-11-1-1.
 13 (15) The insurance commissioner in retaining an examiner for
 14 purposes of IC 27-1-3.1-9.
 15 (16) The department of natural resources for the procurement of
 16 supplies purchased for resale at properties owned or managed by
 17 the department of natural resources.
 18 (17) The Indiana horse racing commission in making an
 19 expenditure under IC 4-31-3-15(b).
 20 **(18) An entity that has entered into a memorandum of**
 21 **understanding with the department of education under**
 22 **IC 20-20-38.5-2(a)(2).**
 23 SECTION 2. IC 20-20-38.5 IS ADDED TO THE INDIANA CODE
 24 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2022]:
 26 **Chapter 38.5. Insurance Coverage for Work Based Learning**
 27 **Sec. 1. As used in this chapter, "work based learning course"**
 28 **has the meaning set forth in IC 20-43-8-0.7.**
 29 **Sec. 2. (a) Not later than December 31, 2022, the department**
 30 **shall:**
 31 **(1) issue a request for proposals in the manner set forth under**
 32 **IC 5-22-9 for the purpose of contracting with a company to**
 33 **provide; or**
 34 **(2) enter into a memorandum of understanding:**
 35 **(A) with a statewide entity that represents business**
 36 **interests in multiple industries; and**
 37 **(B) that provides that the entity agrees to facilitate the**
 38 **procurement of;**
 39 **adequate employer liability and worker's compensation insurance**
 40 **coverage for an employer described in section 3 of this chapter.**
 41 **(b) The total amount of funds that the department may expend**
 42 **to implement this section must be less than one hundred thousand**



- 1 dollars (\$100,000).
- 2 **Sec. 3. (a) Subject to subsection (b), an employer that employs**
- 3 **a student in a work based learning course may purchase employer**
- 4 **liability and worker's compensation insurance coverage described**
- 5 **in section 2 of this chapter for the student.**
- 6 **(b) An employer is responsible for any costs associated with the**
- 7 **purchase of employer liability and worker's compensation**
- 8 **insurance coverage under this chapter.**
- 9 **Sec. 4. If the department:**
- 10 **(1) does not receive a satisfactory response to a request for**
- 11 **proposals under section 2(a)(1) of this chapter; and**
- 12 **(2) is unable to enter into a memorandum of understanding**
- 13 **under section 2(a)(2) of this chapter;**
- 14 **the department is not required to contract with a company or enter**
- 15 **into a memorandum of understanding as provided under section**
- 16 **2 of this chapter.**
- 17 **Sec. 5. The employer liability and worker's compensation**
- 18 **insurance coverage provided under this chapter must be approved**
- 19 **by the department of insurance.**
- 20 **Sec. 6. The department may adopt rules under IC 4-22-2 to**
- 21 **implement this chapter.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1094, 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 2, line 27, delete "Not" and insert "**Subject to subsection (c), not**".

Page 2, line 28, after "shall" insert "**enter into an agreement under which the company or entity selected in accordance with subsection (b) will**".

Page 2, between lines 41 and 42, begin a new paragraph and insert: "**(c) In the event the department does not receive a satisfactory response to a request for proposals under subsection (b)(1) or is unable to enter into a memorandum of understanding under subsection (b)(2), the department is not required to provide adequate employer liability and worker's compensation insurance coverage as required under subsection (a).**".

Page 2, line 42, delete "(c)" and insert "(d)".

Page 3, delete lines 13 through 30, begin a new paragraph and insert:

"SECTION 4. IC 20-43-8-0.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 0.9. As used in this chapter, "youth apprenticeship program" means an apprenticeship:**

(1) in which a student:

(A) participates in the apprenticeship for two (2) or more school years;

(B) works on the job on average at least:

(i) two hundred (200) hours during the first school year that the student participates in the apprenticeship; and

(ii) four hundred fifty (450) hours during the second school year that the student participates in the apprenticeship;

(C) earns postsecondary credit as part of the apprenticeship that culminates in an industry recognized credential if such a credential exists; and

(D) is paid for the work experience under the apprenticeship; and

(2) that has an aligned competency based education and training plan that is agreed to by the student, school, and employer."



Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1094 as introduced.)

BEHNING

Committee Vote: yeas 11, nays 2.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1094, 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 2, line 20, delete "A person" and insert "**An entity**".

Page 2, line 22, delete "IC 20-20-38.5-1." and insert "**IC 20-20-38.5-2(a)(2).**".

Page 2, delete lines 27 through 42, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "work based learning course" has the meaning set forth in IC 20-43-8-0.7.

Sec. 2. (a) Not later than December 31, 2022, the department shall:

(1) issue a request for proposals in the manner set forth under IC 5-22-9 for the purpose of contracting with a company to provide; or

(2) enter into a memorandum of understanding:

(A) with a statewide entity that represents business interests in multiple industries; and

(B) that provides that the entity agrees to facilitate the procurement of;

adequate employer liability and worker's compensation insurance coverage for an employer described in section 3 of this chapter.

(b) The total amount of funds that the department may expend to implement this section must be less than one hundred thousand dollars (\$100,000).

Sec. 3. (a) Subject to subsection (b), an employer that employs a student in a work based learning course may purchase employer



liability and worker's compensation insurance coverage described in section 2 of this chapter for the student.

(b) An employer is responsible for any costs associated with the purchase of employer liability and worker's compensation insurance coverage under this chapter.

Sec. 4. If the department:

(1) does not receive a satisfactory response to a request for proposals under section 2(a)(1) of this chapter; and

(2) is unable to enter into a memorandum of understanding under section 2(a)(2) of this chapter;

the department is not required to contract with a company or enter into a memorandum of understanding as provided under section 2 of this chapter."

Page 3, delete lines 1 through 7.

Page 3, line 8, delete "(d)" and insert "Sec. 5."

Page 3, line 9, delete "section" and insert "chapter".

Page 3, line 11, delete "2." and insert "6."

Page 3, delete lines 13 through 42.

Delete pages 4 through 7.

and when so amended that said bill do pass.

(Reference is to HB 1094 as printed January 10, 2022.)

RAATZ, Chairperson

Committee Vote: Yeas 11, Nays 0.

