

Reprinted January 30, 2024

SENATE BILL No. 148

DIGEST OF SB 148 (Updated January 29, 2024 2:51 pm - DI 153)

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

Synopsis: Workforce data collection. Requires employers to provide an employee's current primary standardized occupational classification code and starting compensation on the employee's withholding allowance certificate or an equivalent form. Provides that each workforce focused agency shall deliver a workforce related program report to the management performance hub. Sets out the information to be included in the workforce related program report. Requires the management performance hub to: (1) compile the workforce related program reports into an annual data product; and (2) make the data product available to the department of workforce development and the governor's workforce cabinet. Provides that a workforce focused agency may not enter into a contract with a person to conduct, operate, or administer a workforce related program unless the contract contains certain requirements. Makes conforming amendments.

Effective: July 1, 2024.

Brown L, Rogers

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.



Reprinted January 30, 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.

SENATE BILL No. 148

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

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

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



1	program" has the meaning set forth in IC 22-4.1-1-7. IC 22-4.1-1-7(a).
2	(b) The governor, general assembly, and cabinet intend that each
3	workforce related program effectuates the purposes for which it was
4	enacted and that the cost of workforce related programs should be
5	included more readily in the biennial budgeting process.
6	(c) To provide the information needed to make informed policy
7	choices about the efficacy of each workforce related program, the
8	cabinet shall conduct a regular review, analysis, and evaluation of all
9	workforce related programs.
10	(d) The review, analysis, and evaluation must include information
11	about each workforce related program that is necessary to determine if
12	the goals of the workforce related program are being achieved, which
13	may include any of the following:
14	(1) The basic attributes and policy goals of the workforce related
15	program, including the statutory and programmatic goals of the
16	workforce related program, the original scope and purpose of the
17	workforce related program, and how the scope or purpose has
18	changed over time.
19	(2) The estimated cost to the state to administer the workforce
20	related program.
21	(3) The workforce related program's equity, simplicity,
22	competitiveness, public purpose, adequacy, and extent of
23	conformance with the original purposes of the legislation enacting
24	the workforce related program.
25	(4) The types of activities on which the workforce related
26	program is based and how effective the workforce related
27	program has been in promoting these targeted activities and in
28	assisting participants in the workforce related program.
29	(5) The count of the following:
30	(A) Participants that enter the workforce related program.
31	(B) Participants that complete the workforce related program.
32	(C) Providers of the workforce related program.
33	(6) The dollar amount allotted for the workforce related program
34	for the most recent state fiscal year.
35	(7) An estimate of the impact of the workforce related program,
36	including the following:
37	(A) A return on investment calculation for the workforce
38	related program. For purposes of this clause, "return on
39	investment calculation" means analyzing the cost to the state
40	of providing the workforce related program and analyzing the
40	benefits realized by the participants in the workforce related
42	program and to the state.
74	program and to the state.



1	(B) A cost-benefit comparison among workforce related
2	programs.
3	(C) An estimate of the number of jobs that were the direct
4	result of the workforce related program.
5	(D) For the workforce related program, a statement by the
6	chief executive officer of the state agency that administers the
7	workforce related program as to whether the statutory and
8	programmatic goals of the workforce related program are
9	being met, with obstacles to these goals identified, if possible.
10	(8) The methodology and assumptions used in carrying out the
11	reviews, analyses, and evaluations required under this section.
12	(9) An estimate of the extent to which benefits of the workforce
13	related program remained in Indiana or flowed outside Indiana.
14	(10) Whether the effectiveness of the workforce related program
15	could be determined more definitively if the general assembly
16	were to clarify or modify the workforce related program's goals
17	and intended purpose.
18	(11) Whether measuring the workforce related program's impact
19	is significantly limited due to data constraints and whether any
20	changes in statute would facilitate data collection in a way that
21	would allow for better review, analysis, or evaluation.
22	(12) An estimate of the indirect economic benefit or activity
23	stimulated by the workforce related program.
24	(13) Any additional review, analysis, or evaluation that the
25	cabinet considers advisable, including comparisons with
26	workforce related programs offered by other states if those
27	comparisons would add value to the review, analysis, and
28	evaluation.
29	(e) The cabinet may request a state official or a state agency or a
30	body corporate and politic to furnish information necessary to complete
31	the workforce related program review, analysis, and evaluation
32	required by this chapter. An official or entity presented with a request
33	from the cabinet under this section shall cooperate with the cabinet in
34	providing the requested information. An official or entity may require
35	that the cabinet adhere to the provider's rules, if any, that concern the
35 36	confidential nature of the information.
30 37	
37 38	(f) The cabinet shall, before October 1 of each year, submit a report to the governor, the logiclative council in an electronic format under
	to the governor, the legislative council in an electronic format under
39 40	IC 5-14-6, and the interim study committee on fiscal policy established by $IC 2.5 \pm 1.2$ 4 containing the results of the schingt's regulation
40 41	by IC 2-5-1.3-4 containing the results of the cabinet's review, analysis,
41	and evaluation under this chapter. The report must include at least the
42	following for each workforce related program reviewed:



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



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



1	IC 22-4.1-1-7(a), a summary and justification for the workforce
2	related program.
3	(d) The budget report shall cover and include all special and
4	dedicated revenue funds as well as the general revenue fund and shall
5	include the estimated amounts of federal aids, for whatever purpose
6	provided, together with estimated expenditures therefrom.
7	(e) The budget agency shall furnish the governor with any further
8	information required concerning the budget, and upon request shall
9	attend hearings of committees of the general assembly on the budget
10	bills.
11	SECTION 5. IC 22-4-10-8, AS AMENDED BY P.L.183-2017,
12	SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13	JULY 1, 2024]: Sec. 8. (a) This section applies only to an employer
14	who employs individuals within the state.
15	(b) As used in this section, "date of hire" is:
16	(1) the first date that an employee provides labor or services to an
17	employer; or
18	(2) the first date that an employee resumes providing labor or
19	services to an employer after a separation from service with the
20	employer of at least sixty (60) days.
21	(c) As used in this section, "employee":
22	(1) has the meaning set forth in Section 3401(c) of the Internal
23	Revenue Code; and
24	(2) includes any individual:
25	(A) required under Internal Revenue Service regulations to
26	complete a federal form W-4; and
27	(B) who has provided services to an employer.
28	The term does not include an employee of a federal or state agency who
29	performs intelligence or counter intelligence functions if the head of
30	the agency determines that the reporting information required under
31	this section could endanger the safety of the employee or compromise
32	an ongoing investigation or intelligence mission.
33	(d) As used in this section, "employer" has the meaning set forth in
34	Section 3401(d) of the Internal Revenue Code. The term includes:
35	(1) governmental agencies;
36	(2) labor organizations; or
37	(3) a person doing business in the state as identified by:
38	(A) the person's federal employer identification number; or
39	(B) if applicable, the common paymaster, as defined in Section
40	3121 of the Internal Revenue Code or the payroll reporting
41	agent of the employer, as described in IRS Rev. Proc. 70-6,
42	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) 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) The department shall maintain a directory of new hires as
required under 42 U.S.C. 653a.
(i) The directory under subsection (h) must contain the information
for each newly hired employee that an employer must provide to the
department under subsection (1).
(j) An employer must transmit the information required under
subsection (1):
(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
(I) is considered timely:
(1) 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.
(1) The employer shall provide the information required under this
section on an employee's withholding allowance certificate (Internal $P_{\text{constraint}}$ Service form $W(A)$ on at the sumplements of the constraint of the second section of the second section.
Revenue Service form W-4) or, at the employer's option, an equivalent
form. The report must include at least the following:
(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.
(4) The current primary standardized occupational
classification code of the employee.
(5) The starting compensation of the employee.



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1	(m) An employer that has employees in two (2) or more states and
2	that transmits reports under this section electronically or magnetically
3	may comply with this section by doing the following:
4	(1) Designating one (1) state to receive each report.
5	(2) Notifying the Secretary of the United States Department of
6	Health and Human Services which state will receive the reports.
7	(3) Transmitting the reports to the agency in the designated state
8	that is charged with receiving the reports.
9	(n) The department may impose the following as a civil penalty:
10	(1) Twenty-five dollars (\$25) on an employer that fails to comply
11	with this section.
12	(2) Five hundred dollars (\$500) on an employer that fails to
13	comply with this section if the failure is a result of a conspiracy
14	between the employer and the employee to:
15	(A) not provide the required report; or
16	(B) provide a false or an incomplete report.
17	(o) The department shall do the following with information received
18	from an employer regarding newly hired employees:
19	(1) Enter the information into the state's directory of new hires
20	within five (5) business days of receipt.
20	(2) Forward the information to the national directory of new hires
22	not later than three (3) business days after the information is
$\frac{22}{23}$	entered into the state's directory.
24	The state shall use quality control standards established by the
25	administrators of the national directory of new hires.
26	(p) The information contained in the directory maintained under
27	subsection (h) is available only for use by the department for purposes
28	required by 42 U.S.C. 653a, unless otherwise provided by law.
29	(q) The department of child services (established under
30	IC 31-25-1-1) shall:
31	(1) reimburse the department for a pro rata share of the costs
32	incurred in carrying out this section using a cost allocation
33	method described in 45 CFR 75.405; and
34	(2) enter into a purchase of service agreement with the
35	department that establishes procedures necessary to administer
36	this section.
37	SECTION 6. IC 22-4.1-1-6.5 IS ADDED TO THE INDIANA
38	CODE AS A NEW SECTION TO READ AS FOLLOWS
39	[EFFECTIVE JULY 1,2024]: Sec. 6.5. "Workforce focused agency"
40	means the following:
41	(1) The department.
42	(2) The department of education established by IC 20-19-3-1.
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2 IC 21-18-2-1. 3 (4) The governor's workforce cabinet established by IC 4-3-27-3. 5 (5) The office of the secretary of family and social services established by IC 12-8-1.5-1. 7 (6) Another state agency identified by the department. 8 SECTION 7. IC 22-4.1-1-7, AS ADDED BY P.L.230-2017, 9 SECTION 36, IS AMENDEDTO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 7. (a) Except as provided in subsection (b), 11 "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: 11 (1) Job training. 12 (2) The attainment of an industry recognized certification or credential. 13 (3) The attainment of a postsecondary degree, certificate, or credential. 20 (4) The provision of other types of employment assistance. 21 (5) The promotion of Indiana to workers or the provision of assistance to a worker relocating to Indiana for employment. 20 (A) has, at least in part, the goal of securing employment or better employment for an individual; and 23 (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: 31 (1) Job training.	1	(3) The commission for higher education established by
 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. SECTION 7. IC 22-4.1-1-7, AS ADDED BY P.L.230-2017, SECTION36, 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. (D) 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 a postsecondary degree, 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. (4) The provision of other types of employment assistance. (2	
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42 1, 2024]: Sec. 3. (a) As used in this section, "management		
	42	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:

13 (1) The individual's name, Social Security number, and date14 of birth.

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

16 (3) The date the individual began the program.

17 (4) The date the individual completed the program, or if the
18 individual failed to complete the program, the date the
19 individual exited the program.

20 (5) Any certificate or credential the individual earned through
21 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.



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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.)

DORIOT

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

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

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

Page 8, between lines 36 and 37, begin a new paragraph and insert: "SECTION 6. IC 22-4.1-1-6.5 IS ADDED TO THE INDIANA

CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6.5. "Workforce focused agency" means the following:

(1) The department.

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

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

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

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

(6) Another state agency identified by the department.".

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

"(6) Any other program that has, at least in part, the goal of securing employment or better employment for an individual. SECTION 8. IC 22-4.1-24-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) As used in this section, "management"



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

