

SENATE BILL No. 274

DIGEST OF INTRODUCED BILL

Citations Affected: Numerous provisions throughout the Indiana Code.

Synopsis: Renames the department of workforce development. Changes the name of the department of workforce development to the department of unemployment insurance.

Effective: July 1, 2008.

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January 10, 2008, read first time and referred to Committee on Pensions and Labor.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 274



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 4-1-8-1, AS AMENDED BY P.L.1-2007,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2008]: Sec. 1. (a) No individual may be compelled by any
- 4 state agency, board, commission, department, bureau, or other entity of
- 5 state government (referred to as "state agency" in this chapter) to
- 6 provide the individual's Social Security number to the state agency
- 7 against the individual's will, absent federal requirements to the
- 8 contrary. However, the provisions of this chapter do not apply to the
- 9 following:
- 10 (1) Department of state revenue.
- 11 (2) Department of ~~workforce development~~ **unemployment**
- 12 **insurance**.
- 13 (3) The programs administered by:
- 14 (A) the division of family resources;
- 15 (B) the division of mental health and addiction;
- 16 (C) the division of disability and rehabilitative services;
- 17 (D) the division of aging; and



- 1 (E) the office of Medicaid policy and planning;
- 2 of the office of the secretary of family and social services.
- 3 (4) Auditor of state.
- 4 (5) State personnel department.
- 5 (6) Secretary of state, with respect to the registration of
- 6 broker-dealers, agents, and investment advisors.
- 7 (7) The legislative ethics commission, with respect to the
- 8 registration of lobbyists.
- 9 (8) Indiana department of administration, with respect to bidders
- 10 on contracts.
- 11 (9) Indiana department of transportation, with respect to bidders
- 12 on contracts.
- 13 (10) Indiana professional licensing agency.
- 14 (11) Department of insurance, with respect to licensing of
- 15 insurance producers.
- 16 (12) The department of child services.
- 17 (13) A pension fund administered by the board of trustees of the
- 18 public employees' retirement fund.
- 19 (14) The Indiana state teachers' retirement fund.
- 20 (15) The state police benefit system.
- 21 (16) The alcohol and tobacco commission.
- 22 (17) The state department of health, for purposes of licensing
- 23 radiologic technologists under IC 16-41-35-29(c).
- 24 (b) The bureau of motor vehicles may, notwithstanding this chapter,
- 25 require the following:
 - 26 (1) That an individual include the individual's Social Security
 - 27 number in an application for an official certificate of title for any
 - 28 vehicle required to be titled under IC 9-17.
 - 29 (2) That an individual include the individual's Social Security
 - 30 number on an application for registration.
 - 31 (3) That a corporation, limited liability company, firm,
 - 32 partnership, or other business entity include its federal tax
 - 33 identification number on an application for registration.
 - 34 (c) The Indiana department of administration, the Indiana
 - 35 department of transportation, and the Indiana professional licensing
 - 36 agency may require an employer to provide its federal employer
 - 37 identification number.
 - 38 (d) The department of correction may require a committed offender
 - 39 to provide the offender's Social Security number for purposes of
 - 40 matching data with the Social Security Administration to determine
 - 41 benefit eligibility.
 - 42 (e) The Indiana gaming commission may, notwithstanding this

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1 chapter, require the following:

2 (1) That an individual include the individual's Social Security
3 number in any application for a riverboat owner's license,
4 supplier's license, or occupational license.

5 (2) That a sole proprietorship, a partnership, an association, a
6 fiduciary, a corporation, a limited liability company, or any other
7 business entity include its federal tax identification number on an
8 application for a riverboat owner's license or supplier's license.

9 (f) Notwithstanding this chapter, the department of education
10 established by IC 20-19-3-1 may require an individual who applies to
11 the department for a license or an endorsement to provide the
12 individual's Social Security number. The Social Security number may
13 be used by the department only for conducting a background
14 investigation, if the department is authorized by statute to conduct a
15 background investigation of an individual for issuance of the license or
16 endorsement.

17 SECTION 2. IC 4-3-21-4, AS AMENDED BY P.L.180-2006,
18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2008]: Sec. 4. The council consists of the following members:

20 (1) Each member of the house of representatives whose house
21 district includes all or part of a county that contains any part of a
22 military base.

23 (2) Each member of the senate whose senate district includes all
24 or part of a county that contains any part of a military base.

25 (3) The lieutenant governor or the lieutenant governor's designee.

26 (4) The adjutant general or the adjutant general's designee.

27 (5) The commissioner of the department of environmental
28 management or the commissioner's designee.

29 (6) The commissioner of the Indiana department of transportation
30 or the commissioner's designee.

31 (7) The executive director of the department of homeland security
32 or the executive director's designee.

33 (8) The commissioner of the department of ~~workforce~~
34 ~~development~~ **unemployment insurance** or the commissioner's
35 designee.

36 (9) The president of the Indiana economic development
37 corporation or the president's designee.

38 (10) The director of the office of energy and defense
39 development.

40 (11) The following local government representatives:

41 (A) One (1) member of the county executive of each county
42 that contains all or part of a military base, appointed by the

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county executive.
(B) One (1) member of the county fiscal body of each county that contains all or part of a military base, appointed by the county fiscal body.
(C) One (1) member:
 (i) who is the executive of the municipality having the largest population in each county that contains all or part of a military base if that municipality is a city; or
 (ii) who is appointed from the membership of the fiscal body of that town, if a town is the municipality having the largest population in the county.
(D) One (1) member of the legislative body of the municipality having the largest population in each county that contains a military base, appointed by the legislative body of that municipality.
(E) One (1) member of the county executive of each county listed in IC 36-7-30.5-10(4) through IC 36-7-30.5-10(6), appointed by the county executive.

SECTION 3. IC 4-4-10.9-6.1, AS AMENDED BY P.L.1-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6.1. "Distressed area" means a county in which:
 (1) the average annualized unemployment rate in each of the two
 (2) calendar years immediately preceding the current calendar year exceeded the statewide average annualized unemployment rate for each of the same calendar years by at least two percent (2%); or
 (2) the average annualized unemployment rate in the immediately preceding calendar year was at least double the statewide average annualized unemployment rate for the same period;
as determined by the department of ~~workforce development~~
unemployment insurance.

SECTION 4. IC 4-4-31.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. As used in this chapter, "department" refers to the department of ~~workforce development~~
unemployment insurance.

SECTION 5. IC 4-4-31.4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) The commission consists of fifteen (15) voting members and two (2) nonvoting members. The voting members of the commission consist of the following:

- (1) Six (6) Native American Indians, each from a different geographic region of Indiana.

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- 1 (2) Two (2) Native American Indians who have knowledge in
- 2 Native American traditions and spiritual issues.
- 3 (3) The commissioner of the department of correction or the
- 4 commissioner's designee.
- 5 (4) The commissioner of the commission for higher education or
- 6 the commissioner's designee.
- 7 (5) The commissioner of the state department of health or the
- 8 commissioner's designee.
- 9 (6) The secretary of the office of family and social services or the
- 10 secretary's designee.
- 11 (7) The director of the department of natural resources or the
- 12 director's designee.
- 13 (8) The state superintendent of public instruction or the
- 14 superintendent's designee.
- 15 (9) The commissioner of the department of ~~workforce~~
- 16 ~~development~~ **unemployment insurance** or the commissioner's
- 17 designee.

18 (b) The nonvoting members of the commission consist of the
 19 following:

- 20 (1) One (1) member of the house of representatives appointed by
- 21 the speaker of the house of representatives.
- 22 (2) One (1) member of the senate appointed by the president pro
- 23 tempore of the senate.

24 (c) The governor shall appoint each Native American Indian
 25 member of the commission to a term of four (4) years, and any vacancy
 26 occurring shall be filled by the governor for the unexpired term. Before
 27 appointing a Native American Indian member to the commission, the
 28 governor shall solicit nominees from Indiana associations that represent
 29 Native American Indians in the geographic region from which the
 30 member will be selected. Not more than one (1) member may represent
 31 the same tribe or Native American Indian organization or association.

32 (d) A member of the commission may be removed by the member's
 33 appointing authority.

34 SECTION 6. IC 4-13-2-20, AS AMENDED BY P.L.234-2007,
 35 SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2008]: Sec. 20. (a) Except as otherwise provided in this
 37 section, IC 12-17-19-19, or IC 12-8-10-7, payment for any services,
 38 supplies, materials, or equipment shall not be paid from any fund or
 39 state money in advance of receipt of such services, supplies, materials,
 40 or equipment by the state.

41 (b) With the prior approval of the budget agency, payment may be
 42 made in advance for any of the following:

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- 1 (1) War surplus property.
- 2 (2) Property purchased or leased from the United States
- 3 government or its agencies.
- 4 (3) Dues and subscriptions.
- 5 (4) License fees.
- 6 (5) Insurance premiums.
- 7 (6) Utility connection charges.
- 8 (7) Federal grant programs where advance funding is not
- 9 prohibited and, except as provided in subsection (i), the
- 10 contracting party posts sufficient security to cover the amount
- 11 advanced.
- 12 (8) Grants of state funds authorized by statute.
- 13 (9) Employee expense vouchers.
- 14 (10) Beneficiary payments to the administrator of a program of
- 15 self-insurance.
- 16 (11) Services, supplies, materials, or equipment to be received
- 17 from an agency or from a body corporate and politic.
- 18 (12) Expenses for the operation of offices that represent the state
- 19 under contracts with the Indiana economic development
- 20 corporation and that are located outside Indiana.
- 21 (13) Services, supplies, materials, or equipment to be used for
- 22 more than one (1) year under a discounted contractual
- 23 arrangement funded through a designated leasing entity.
- 24 (14) Maintenance of equipment and maintenance of software if
- 25 there are appropriate contractual safeguards for refunds as
- 26 determined by the budget agency.
- 27 (15) Exhibits, artifacts, specimens, or other unique items of
- 28 cultural or historical value or interest purchased by the state
- 29 museum.
- 30 (c) Any agency and any state educational institution may make
- 31 advance payments to its employees for duly accountable expenses
- 32 exceeding ten dollars (\$10) incurred through travel approved by:
- 33 (1) the employee's respective agency director, in the case of an
- 34 agency; and
- 35 (2) a duly authorized person, in the case of any state educational
- 36 institution.
- 37 (d) The auditor of state may, with the approval of the budget agency
- 38 and of the commissioner of the Indiana department of administration:
- 39 (1) appoint a special disbursing officer for any agency or group of
- 40 agencies whenever it is necessary or expedient that a special
- 41 record be kept of a particular class of disbursements or when
- 42 disbursements are made from a special fund; and

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- 1 (2) approve advances to the special disbursing officer or officers
 2 from any available appropriation for the purpose.
- 3 (e) The auditor of state shall issue the auditor's warrant to the
 4 special disbursing officer to be disbursed by the disbursing officer as
 5 provided in this section. Special disbursing officers shall in no event
 6 make disbursements or payments for supplies or current operating
 7 expenses of any agency or for contractual services or equipment not
 8 purchased or contracted for in accordance with this chapter and
 9 IC 5-22. No special disbursing officer shall be appointed and no money
 10 shall be advanced until procedures covering the operations of special
 11 disbursing officers have been adopted by the Indiana department of
 12 administration and approved by the budget agency. These procedures
 13 must include the following provisions:
- 14 (1) Provisions establishing the authorized levels of special
 15 disbursing officer accounts and establishing the maximum
 16 amount which may be expended on a single purchase from special
 17 disbursing officer funds without prior approval.
- 18 (2) Provisions requiring that each time a special disbursing officer
 19 makes an accounting to the auditor of state of the expenditure of
 20 the advanced funds, the auditor of state shall request that the
 21 Indiana department of administration review the accounting for
 22 compliance with IC 5-22.
- 23 (3) A provision that, unless otherwise approved by the
 24 commissioner of the Indiana department of administration, the
 25 special disbursing officer must be the same individual as the
 26 procurements agent under IC 4-13-1.3-5.
- 27 (4) A provision that each disbursing officer be trained by the
 28 Indiana department of administration in the proper handling of
 29 money advanced to the officer under this section.
- 30 (f) The commissioner of the Indiana department of administration
 31 shall cite in a letter to the special disbursing officer the exact purpose
 32 or purposes for which the money advanced may be expended.
- 33 (g) A special disbursing officer may issue a check to a person
 34 without requiring a certification under IC 5-11-10-1 if the officer:
- 35 (1) is authorized to make the disbursement; and
 36 (2) complies with procedures adopted by the state board of
 37 accounts to govern the issuance of checks under this subsection.
- 38 (h) A special disbursing officer is not personally liable for a check
 39 issued under subsection (g) if:
- 40 (1) the officer complies with the procedures described in
 41 subsection (g); and
 42 (2) funds are appropriated and available to pay the warrant.

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1 (i) For contracts entered into between the department of ~~workforce~~
2 ~~development unemployment insurance~~ or the Indiana commission for
3 career and technical education and:

- 4 (1) a school corporation (as defined in IC 20-18-2-16); or
- 5 (2) a state educational institution;

6 the contracting parties are not required to post security to cover the
7 amount advanced.

8 SECTION 7. IC 4-15-2-3.8, AS AMENDED BY P.L.1-2007,
9 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2008]: Sec. 3.8. "State service" means public service by:

11 (1) employees and officers, including the incumbent directors, of
12 the county offices of family and children; and

13 (2) employees and officers, except members of boards and
14 commissions or individuals hired for or appointed to, after June
15 30, 1982, positions as appointing authorities, deputies, assistants
16 reporting to appointing authorities, or supervisors of major units
17 within state agencies, irrespective of the title carried by those
18 positions, of the division of disability and rehabilitative services,
19 division of aging, Fort Wayne State Developmental Center,
20 division of mental health and addiction, Larue D. Carter
21 Memorial Hospital, Evansville State Psychiatric Treatment Center
22 for Children, Evansville State Hospital, Logansport State
23 Hospital, Madison State Hospital, Richmond State Hospital, state
24 department of health, Indiana School for the Blind and Visually
25 Impaired, Indiana School for the Deaf, Indiana Veterans' Home,
26 Indiana Soldiers' and Sailors' Children's Home, Silvercrest
27 Children's Development Center, department of correction,
28 Westville Correctional Facility, Plainfield Juvenile Correctional
29 Facility, Putnamville Correctional Facility, Indianapolis Juvenile
30 Correctional Facility, Indiana State Prison, Indiana Women's
31 Prison, Pendleton Correctional Facility, Reception and Diagnostic
32 Center, Rockville Correctional Facility, Youth Rehabilitation
33 Facility, Plainfield Correctional Facility, department of homeland
34 security (excluding a county emergency management organization
35 and any other local emergency management organization created
36 under IC 10-14-3), civil rights commission, criminal justice
37 planning agency, department of ~~workforce development,~~
38 **unemployment insurance**, Indiana historical bureau, Indiana
39 state library, division of family resources, department of child
40 services, Indiana state board of animal health, Federal Surplus
41 Property Warehouse, Indiana education employment relations
42 board, department of labor, Indiana protection and advocacy

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1 services commission, commission on public records, Indiana
2 horse racing commission, and state personnel department.

3 SECTION 8. IC 4-15-2-7 IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The state service is divided
5 into the unclassified service and the classified service as follows:

6 (1) The unclassified part of the state service consists of the
7 following:

8 (A) All inmate help in all state penal, charitable, correctional,
9 and benevolent institutions.

10 (B) One (1) confidential secretary for each chief
11 administrative officer in each of the state agencies covered by
12 the definition of state service.

13 (C) The unemployment insurance review board of the
14 department of ~~workforce development~~: **unemployment**
15 **insurance.**

16 (2) The classified part of the state service includes all civil offices
17 and positions in the state service on May 1, 1941, other than those
18 in the unclassified service.

19 (b) This section shall not be construed to include in the state service
20 any person or persons who are excluded from the definition of state
21 service.

22 SECTION 9. IC 4-21.5-2-4, AS AMENDED BY P.L.219-2007,
23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2008]: Sec. 4. (a) This article does not apply to any of the
25 following agencies:

26 (1) The governor.

27 (2) The state board of accounts.

28 (3) The state educational institutions.

29 (4) The department of ~~workforce development~~: **unemployment**
30 **insurance.**

31 (5) The unemployment insurance review board of the department
32 of ~~workforce development~~: **unemployment insurance.**

33 (6) The worker's compensation board of Indiana.

34 (7) The military officers or boards.

35 (8) The Indiana utility regulatory commission.

36 (9) The department of state revenue (excluding an agency action
37 related to the licensure of private employment agencies).

38 (10) The department of local government finance.

39 (11) The Indiana board of tax review.

40 (b) This article does not apply to action related to railroad rate and
41 tariff regulation by the Indiana department of transportation.

42 SECTION 10. IC 4-21.5-2-5, AS AMENDED BY P.L.1-2007,

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1 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2008]: Sec. 5. This article does not apply to the following
 3 agency actions:

4 (1) The issuance of a warrant or jeopardy warrant for the
 5 collection of taxes.

6 (2) A determination of probable cause or no probable cause by the
 7 civil rights commission.

8 (3) A determination in a factfinding conference of the civil rights
 9 commission.

10 (4) A personnel action, except review of a personnel action by the
 11 state employees appeals commission under IC 4-15-2 or a
 12 personnel action that is not covered by IC 4-15-2 but may be
 13 taken only for cause.

14 (5) A resolution, directive, or other action of any agency that
 15 relates solely to the internal policy, organization, or procedure of
 16 that agency or another agency and is not a licensing or
 17 enforcement action. Actions to which this exemption applies
 18 include the statutory obligations of an agency to approve or ratify
 19 an action of another agency.

20 (6) An agency action related to an offender within the jurisdiction
 21 of the department of correction.

22 (7) A decision of the Indiana economic development corporation,
 23 the office of tourism development, the department of
 24 environmental management, the tourist information and grant
 25 fund review committee (before the repeal of the statute that
 26 created the tourist information and grant fund review committee),
 27 the Indiana finance authority, the corporation for innovation
 28 development, or the lieutenant governor that concerns a grant,
 29 loan, bond, tax incentive, or financial guarantee.

30 (8) A decision to issue or not issue a complaint, summons, or
 31 similar accusation.

32 (9) A decision to initiate or not initiate an inspection,
 33 investigation, or other similar inquiry that will be conducted by
 34 the agency, another agency, a political subdivision, including a
 35 prosecuting attorney, a court, or another person.

36 (10) A decision concerning the conduct of an inspection,
 37 investigation, or other similar inquiry by an agency.

38 (11) The acquisition, leasing, or disposition of property or
 39 procurement of goods or services by contract.

40 (12) Determinations of the department of ~~workforce development~~
 41 **unemployment insurance** under IC 22-4-18-1(g)(1) or
 42 IC 22-4-41.

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1 (13) A decision under IC 9-30-12 of the bureau of motor vehicles
2 to suspend or revoke a driver's license, a driver's permit, a vehicle
3 title, or a vehicle registration of an individual who presents a
4 dishonored check.

5 (14) An action of the department of financial institutions under
6 IC 28-1-3.1 or a decision of the department of financial
7 institutions to act under IC 28-1-3.1.

8 (15) A determination by the NVRA official under IC 3-7-11
9 concerning an alleged violation of the National Voter Registration
10 Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

11 (16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules
12 of the Indiana department of administration provide an
13 administrative appeals process.

14 (17) A determination of status as a member of or participant in an
15 environmental performance based program developed and
16 implemented under IC 13-27-8.

17 SECTION 11. IC 4-23-20-3, AS AMENDED BY P.L.234-2007,
18 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2008]: Sec. 3. The committee consists of at least six (6)
20 members appointed by the governor and must include representatives
21 of the following:

- 22 (1) The Indiana economic development corporation.
- 23 (2) The department of ~~workforce development~~: **unemployment**
24 **insurance**.
- 25 (3) The division of disability and rehabilitative services.
- 26 (4) The commission for career and technical education of the
27 department of ~~workforce development~~: **unemployment**
28 **insurance**.
- 29 (5) The state workforce innovation council.
- 30 (6) The department of education.

31 SECTION 12. IC 4-23-25-9, AS AMENDED BY P.L.126-2006,
32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2008]: Sec. 9. The department of ~~workforce development~~
34 **unemployment insurance** established by IC 22-4.1-2 shall provide
35 staff and administrative support to:

- 36 (1) the commission; and
- 37 (2) the sexual assault standards and certification board.

38 SECTION 13. IC 4-23-28-4, AS AMENDED BY P.L.1-2006,
39 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2008]: Sec. 4. (a) The commission consists of twenty (20)
41 members appointed as follows:

- 42 (1) Two (2) members of the senate who may not be affiliated with

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- 1 the same political party, to be appointed by the president pro
- 2 tempore of the senate.
- 3 (2) Two (2) members of the house of representatives who may not
- 4 be affiliated with the same political party, to be appointed by the
- 5 speaker of the house of representatives.
- 6 (3) Four (4) members of the Hispanic/Latino community who are
- 7 not members of the general assembly, to be appointed by the
- 8 president pro tempore of the senate.
- 9 (4) Four (4) members of the Hispanic/Latino community who are
- 10 not members of the general assembly, to be appointed by the
- 11 speaker of the house of representatives.
- 12 (5) The secretary of family and social services or a designee of the
- 13 secretary who is a Hispanic or Latino employee of the office of
- 14 the secretary of family and social services.
- 15 (6) The commissioner of the state department of health or a
- 16 designee of the commissioner who is a Hispanic or Latino
- 17 employee of the state department of health.
- 18 (7) The state superintendent of public instruction or a designee of
- 19 the superintendent who is a Hispanic or Latino employee of the
- 20 department of education.
- 21 (8) The commissioner of the department of correction or a
- 22 designee of the commissioner who is a Hispanic or Latino
- 23 employee of the department of correction.
- 24 (9) The director of the civil rights commission or a designee of the
- 25 director who is a Hispanic or Latino employee of the civil rights
- 26 commission.
- 27 (10) The lieutenant governor or a designee of the lieutenant
- 28 governor who is a Hispanic or Latino employee of the lieutenant
- 29 governor.
- 30 (11) A Hispanic or Latino business person, appointed by the
- 31 governor.
- 32 (12) The commissioner of ~~workforce development~~ **the**
- 33 **department of unemployment insurance** or a designee of the
- 34 commissioner who is a Hispanic or Latino employee of the
- 35 department of ~~workforce development~~, **unemployment**
- 36 **insurance**, who shall serve as an ex officio member of the
- 37 commission.
- 38 In making their appointments under this section, the president pro
- 39 tempore of the senate and the speaker of the house of representatives
- 40 shall attempt to have the greatest possible number of counties
- 41 represented on the commission.
- 42 (b) If a legislative member of the commission ceases to be a

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1 member of the chamber from which the member was appointed, the
2 member also ceases to be a member of the commission.

3 (c) A member of the commission may be removed at any time by the
4 appointing authority who appointed the member.

5 (d) If a vacancy on the commission occurs, the appointing authority
6 who appointed the former member whose position has become vacant
7 shall appoint an individual to fill the vacancy.

8 SECTION 14. IC 4-23-28-7 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The department
10 of ~~workforce development~~ **unemployment insurance** shall provide
11 staff and administrative support to the commission.

12 (b) The expenses of the commission shall be paid from
13 appropriations made to the department of ~~workforce development~~
14 **unemployment insurance**.

15 SECTION 15. IC 4-23-28-10 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) Funding for the
17 commission shall be derived from funds appropriated to the department
18 of ~~workforce development~~ **unemployment insurance**.

19 (b) If money is appropriated under subsection (a), the money does
20 not revert to the state general fund at the end of a state fiscal year but
21 remains available to the department of ~~workforce development~~
22 **unemployment insurance** until the purpose for which it was
23 appropriated is fulfilled.

24 SECTION 16. IC 5-10-8-7, AS AMENDED BY P.L.2-2007,
25 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2008]: Sec. 7. (a) The state, excluding state educational
27 institutions, may not purchase or maintain a policy of group insurance,
28 except:

- 29 (1) life insurance for the state's employees;
- 30 (2) long term care insurance under a long term care insurance
31 policy (as defined in IC 27-8-12-5), for the state's employees;
- 32 (3) an accident and sickness insurance policy (as defined in
33 IC 27-8-5.6-1) that covers individuals to whom coverage is
34 provided by a local unit under section 6.6 of this chapter; or
- 35 (4) an insurance policy that provides coverage that supplements
36 coverage provided under a United States military health care plan.

37 (b) With the consent of the governor, the state personnel department
38 may establish self-insurance programs to provide group insurance other
39 than life or long term care insurance for state employees and retired
40 state employees. The state personnel department may contract with a
41 private agency, business firm, limited liability company, or corporation
42 for administrative services. A commission may not be paid for the

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1 placement of the contract. The department may require, as part of a
2 contract for administrative services, that the provider of the
3 administrative services offer to an employee terminating state
4 employment the option to purchase, without evidence of insurability,
5 an individual policy of insurance.

6 (c) Notwithstanding subsection (a), with the consent of the
7 governor, the state personnel department may contract for health
8 services for state employees and individuals to whom coverage is
9 provided by a local unit under section 6.6 of this chapter through one
10 (1) or more prepaid health care delivery plans.

11 (d) The state personnel department shall adopt rules under IC 4-22-2
12 to establish long term and short term disability plans for state
13 employees (except employees who hold elected offices (as defined by
14 IC 3-5-2-17)). The plans adopted under this subsection may include
15 any provisions the department considers necessary and proper and
16 must:

- 17 (1) require participation in the plan by employees with six (6)
- 18 months of continuous, full-time service;
- 19 (2) require an employee to make a contribution to the plan in the
- 20 form of a payroll deduction;
- 21 (3) require that an employee's benefits under the short term
- 22 disability plan be subject to a thirty (30) day elimination period
- 23 and that benefits under the long term plan be subject to a six (6)
- 24 month elimination period;
- 25 (4) prohibit the termination of an employee who is eligible for
- 26 benefits under the plan;
- 27 (5) provide, after a seven (7) day elimination period, eighty
- 28 percent (80%) of base biweekly wages for an employee disabled
- 29 by injuries resulting from tortious acts, as distinguished from
- 30 passive negligence, that occur within the employee's scope of
- 31 state employment;
- 32 (6) provide that an employee's benefits under the plan may be
- 33 reduced, dollar for dollar, if the employee derives income from:
- 34 (A) Social Security;
- 35 (B) the public employees' retirement fund;
- 36 (C) the Indiana state teachers' retirement fund;
- 37 (D) pension disability;
- 38 (E) worker's compensation;
- 39 (F) benefits provided from another employer's group plan; or
- 40 (G) remuneration for employment entered into after the
- 41 disability was incurred.

42 (The department of state revenue and the department of ~~workforce~~

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1 ~~development~~ **unemployment insurance** shall cooperate with the
2 state personnel department to confirm that an employee has
3 disclosed complete and accurate information necessary to
4 administer subdivision (6).)

5 (7) provide that an employee will not receive benefits under the
6 plan for a disability resulting from causes specified in the rules;
7 and

8 (8) provide that, if an employee refuses to:

9 (A) accept work assignments appropriate to the employee's
10 medical condition;

11 (B) submit information necessary for claim administration; or

12 (C) submit to examinations by designated physicians;

13 the employee forfeits benefits under the plan.

14 (e) This section does not affect insurance for retirees under
15 IC 5-10.3 or IC 5-10.4.

16 (f) The state may pay part of the cost of self-insurance or prepaid
17 health care delivery plans for its employees.

18 (g) A state agency may not provide any insurance benefits to its
19 employees that are not generally available to other state employees,
20 unless specifically authorized by law.

21 (h) The state may pay a part of the cost of group medical and life
22 coverage for its employees.

23 SECTION 17. IC 5-16-7-4 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The definitions in
25 this section apply throughout this chapter:

26 (1) "Common construction wage" means a scale of wages for each
27 class of work described in section 1(c)(1) of this chapter that is
28 not less than the common construction wage of all construction
29 wages being paid in the county where a project is located, as
30 determined by the committee described in section 1(b) of this
31 chapter after having considered:

32 (A) reports from the department of ~~workforce development;~~
33 **unemployment insurance;** and

34 (B) any other information submitted by any person to the
35 committee established under section 1(b) of this chapter.

36 (2) "State of Indiana" includes any officer, board, commission, or
37 other agency authorized by law to award contracts for the
38 performance of public work on behalf of the state, excepting as
39 otherwise provided in this chapter.

40 (3) "Municipal corporation" includes any county, city, town, or
41 school corporation, as well as any officer, board, commission, or
42 other agency authorized by law to award contracts for the

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1 performance of public work on behalf of any such municipal
 2 corporation. The term also includes a redevelopment commission
 3 established under IC 36-7-14-3.
 4 (4) "Public work" includes any public building, highway, street,
 5 alley, bridge, sewer, drain, improvement, or any other work of any
 6 nature or character whatsoever which is paid for out of public
 7 funds, excepting as otherwise provided in this chapter.
 8 SECTION 18. IC 5-28-27-3, AS AMENDED BY P.L.2-2007,
 9 SECTION 111, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The skills 2016 training fund
 11 is established to do the following:
 12 (1) Administer the costs of the skills 2016 training program
 13 established under IC 22-4-10.5.
 14 (2) Undertake any program or activity that furthers the purposes
 15 of IC 22-4-10.5.
 16 (3) Refund skills 2016 training assessments erroneously collected
 17 and deposited in the fund.
 18 (b) The money in the fund shall be allocated as follows:
 19 (1) An amount to be determined annually shall be set aside for the
 20 payment of refunds from the fund.
 21 (2) The remainder of the money in the fund shall be allocated to
 22 employers or consortiums for incumbent worker training grants
 23 that enable workers to obtain recognizable credentials or
 24 certifications and transferable employment skills that improve
 25 employer competitiveness.
 26 (c) Special consideration shall be given to Ivy Tech Community
 27 College to be the provider of the training funded under this chapter
 28 whenever the state educational institution:
 29 (1) meets the identified training needs of an employer or a
 30 consortium with an existing credentialing or certification
 31 program; and
 32 (2) is the most cost effective provider.
 33 (d) For the incumbent worker training grants described in
 34 subsection (b), the department of ~~workforce development~~
 35 **unemployment insurance** shall do the following:
 36 (1) Provide grant applications to interested employers and
 37 consortiums.
 38 (2) Accept completed applications for the grants.
 39 (3) Obtain all information necessary or appropriate to determine
 40 whether an applicant qualifies for a grant, including information
 41 concerning:
 42 (A) the applicant;

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1 (B) the training to be offered;
 2 (C) the training provider; and
 3 (D) the workers to be trained.
 4 (4) Prepare summaries or other reports to assist the secretary of
 5 commerce in reviewing the grant applications.
 6 (e) The department of ~~workforce development~~ **unemployment**
 7 **insurance** shall forward the grant applications and other information
 8 collected or received by the department under subsection (d) to the
 9 secretary of commerce who shall allocate the money in the fund in
 10 accordance with subsections (b) and (c), after considering the
 11 information provided by the department of ~~workforce development~~.
 12 **unemployment insurance**.
 13 (f) The corporation shall enter into an agreement with the
 14 department of ~~workforce development~~ **unemployment insurance** for
 15 the department of ~~workforce development~~ **unemployment insurance**
 16 to administer the fund using money appropriated from the fund.
 17 (g) The treasurer of state shall invest the money in the fund not
 18 currently needed to meet the obligations of the fund in the same
 19 manner as other public money may be invested.
 20 (h) Money in the fund at the end of a state fiscal year does not revert
 21 to the state general fund.
 22 (i) The fund consists of the following:
 23 (1) Assessments deposited in the fund.
 24 (2) Earnings acquired through the use of money belonging to the
 25 fund.
 26 (3) Money deposited in the fund from any other source.
 27 (4) Interest and penalties collected.
 28 (j) Any balance in the fund does not lapse but is available
 29 continuously to the corporation for expenditures for the program
 30 established under IC 22-4-10.5 consistent with this chapter, after
 31 considering any information concerning an expenditure provided by the
 32 department of ~~workforce development~~. **unemployment insurance**.
 33 SECTION 19. IC 11-10-5-1, AS AMENDED BY P.L.1-2005,
 34 SECTION 121, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2008]: Sec. 1. The department shall, after
 36 consulting with the state superintendent of public instruction and the
 37 Indiana commission on vocational and technical education of the
 38 department of ~~workforce development~~; **unemployment insurance**,
 39 implement academic and vocational education curricula and programs
 40 for confined offenders, by utilizing qualified personnel employed by
 41 the department or by arranging for instruction to be given by public or
 42 private educational agencies in Indiana. The department shall include

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1 special education programs, which shall be governed under IC 20-35-2.
2 To provide funding for development and implementation of academic
3 and vocational education curricula and programs, the department may
4 accept gifts and apply for and receive grants from any source.

5 SECTION 20. IC 11-10-7-3 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) Any agreement
7 entered into between the commissioner and a private person under this
8 chapter must provide that an offender employed by a private person
9 under this chapter will be paid at least the prevailing wage for that type
10 of work as established by the department of ~~workforce development~~;
11 **unemployment insurance**, including applicable wage increases for
12 overtime work.

13 (b) An offender may be employed under this chapter only on a
14 voluntary basis and only after the offender has been informed of the
15 conditions of the offender's employment.

16 (c) An offender employed under this chapter is not eligible for
17 unemployment compensation benefits under workforce development
18 laws.

19 SECTION 21. IC 12-8-14-5, AS AMENDED BY P.L.1-2007,
20 SECTION 113, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2008]: Sec. 5. Services to support families of
22 persons with disabilities and persons with disabilities may include
23 services available within the division of family resources, the division
24 of disability and rehabilitative services, the division of aging, the
25 division of mental health and addiction, the state department of health,
26 the department of education, the department of ~~workforce~~
27 ~~development~~; **unemployment insurance**, and the department of
28 correction, including case management and service coordination.

29 SECTION 22. IC 12-17.2-3.3-2, AS ADDED BY P.L.126-2007,
30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2008]: Sec. 2. (a) The committee on child care is established.

- 32 (b) The committee consists of the following voting members:
33 (1) Two (2) members of the house of representatives appointed by
34 the speaker of the house of representatives. Members appointed
35 under this subdivision may not be members of the same political
36 party.
37 (2) Two (2) members of the senate appointed by the president pro
38 tempore of the senate. Members appointed under this subdivision
39 may not be members of the same political party.
40 (3) The director of the division of family resources or the
41 director's designee.
42 (4) The commissioner of the department of ~~workforce~~

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1 ~~development unemployment insurance~~ or the commissioner's
2 designee.
3 (5) The secretary of commerce appointed under IC 5-28-3-4 or the
4 secretary's designee.
5 (6) The state fire marshal or the state fire marshal's designee.
6 (7) The state superintendent of public instruction or the
7 superintendent's designee.
8 (8) The commissioner of the state department of health or the
9 commissioner's designee.
10 (9) One (1) representative of a private business that employs less
11 than fifty (50) employees, appointed by the president pro tempore
12 of the senate.
13 (10) One (1) representative of a private business that employs
14 more than one hundred (100) employees, appointed by the
15 speaker of the house of representatives.
16 (11) One (1) individual who is a child care advocate and who
17 does not operate or administer a child care program (as defined in
18 IC 12-17.2-3.5-1.2), appointed by the president pro tempore of the
19 senate.
20 (c) The president pro tempore of the senate shall appoint a member
21 described in subsection (b)(2) as chairperson of the committee in
22 even-numbered years.
23 (d) The speaker of the house of representatives shall appoint a
24 member described in subsection (b)(1) as chairperson of the committee
25 in odd-numbered years.
26 SECTION 23. IC 12-20-25-19, AS AMENDED BY P.L.73-2005,
27 SECTION 124, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) Notwithstanding any other
29 provision of this article, an unemployed individual may not receive
30 township assistance in a controlled township until the individual has
31 registered for work at an office of the department of ~~workforce~~
32 **development unemployment insurance** and has provided proof that
33 the individual is registered. This subsection does not apply to an
34 individual who:
35 (1) is not physically able to perform work;
36 (2) is less than eighteen (18) years of age or at least sixty-five (65)
37 years of age; or
38 (3) is needed to care for another individual because of the other
39 individual's age or physical condition.
40 (b) An unemployed individual who has registered under subsection
41 (a) may not receive township assistance in a controlled township on a
42 continuing basis unless the individual reports to the employment office

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1 and provides proof that the individual has reported with the frequency
2 and in the manner prescribed by either the management committee or
3 the control board.

4 (c) Subject to subsection (a), if the management committee or the
5 control board finds that an individual has failed to:

6 (1) apply for available, suitable work when directed by the
7 commissioner of ~~workforce development~~, **the department of**
8 **unemployment insurance**, the commissioner's deputy, or an
9 authorized representative of the state;

10 (2) accept, at any time after the individual is notified of a
11 separation, suitable work when found for and offered to the
12 individual by the commissioner of ~~workforce development~~, **the**
13 **department of unemployment insurance**, the commissioner's
14 deputy, or an authorized representative of the state; or

15 (3) return to the individual's customary self-employment when
16 directed by the commissioner of ~~workforce development~~ **the**
17 **department of unemployment insurance** or the commissioner's
18 deputy;

19 the individual may not receive township assistance for six (6) months
20 after the date of the management committee's or control board's
21 finding.

22 SECTION 24. IC 20-20-10-2, AS ADDED BY P.L.1-2005,
23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2008]: Sec. 2. (a) The technology preparation task force is
25 established to design and approve:

- 26 (1) technology preparation curriculum models; and
- 27 (2) teacher and staff training to implement the technology
28 preparation models.

29 (b) The:

- 30 (1) state superintendent;
- 31 (2) commissioner of ~~workforce development~~, **the department of**
32 **unemployment insurance**; and
- 33 (3) executive officer of the commission for higher education;

34 shall each appoint three (3) members to the task force. The members
35 appointed to the task force must include representatives of school
36 corporations and state educational institutions.

37 SECTION 25. IC 20-20-10-3, AS AMENDED BY P.L.2-2007,
38 SECTION 204, IS AMENDED TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The curriculum models
40 developed by the task force must:

- 41 (1) be performance based;
- 42 (2) provide a student with:

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- 1 (A) the skills necessary to gain employment upon graduation
 2 from high school; and
 3 (B) the subject or skills areas required by a state educational
 4 institution to gain admittance into the respective state
 5 educational institution;
 6 upon the satisfactory fulfillment of the curriculum;
 7 (3) relate to a broad scope of occupational opportunities;
 8 (4) include math, science, and English/language arts courses
 9 taught through practical application and designed to meet
 10 graduation requirements for those subjects;
 11 (5) be designed to include secondary and postsecondary sequence
 12 models; and
 13 (6) allow for dual credit, advanced study, and cooperative
 14 agreements.

15 (b) The task force shall identify certain occupations for secondary
 16 and postsecondary articulation curriculum agreements in cooperation
 17 with the department of ~~workforce development~~ **unemployment**
 18 **insurance**.

19 SECTION 26. IC 20-20-20-1, AS AMENDED BY P.L.234-2007,
 20 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2008]: Sec. 1. As used in this chapter, "commission" refers to
 22 the Indiana commission for career and technical education of the
 23 department of ~~workforce development~~ **unemployment insurance**
 24 established by IC 22-4.1-13-6.

25 SECTION 27. IC 20-30-5-14, AS ADDED BY P.L.246-2005,
 26 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) To:

- 28 (1) educate students on the importance of their future career
 29 choices;
 30 (2) prepare students for the realities inherent in the work
 31 environment; and
 32 (3) instill in students work values that will enable them to succeed
 33 in their respective careers;

34 each school within a school corporation shall include in the school's
 35 curriculum for all students in grades 1 through 12 instruction
 36 concerning employment matters and work values.

37 (b) Each school shall:

- 38 (1) integrate within the curriculum instruction that is; or
 39 (2) conduct activities or special events periodically that are;
 40 designed to foster overall career awareness and career development as
 41 described in subsection (a).

42 (c) The department shall develop career awareness and career

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1 development models as described in subsection (d) to assist schools in
2 complying with this section.

3 (d) The models described in this subsection must be developed in
4 accordance with the following:

5 (1) For grades 1 through 5, career awareness models to introduce
6 students to work values and basic employment concepts.

7 (2) For grades 6 through 8, initial career information models that
8 focus on career choices as they relate to student interest and skills.

9 (3) For grades 9 through 10, career exploration models that offer
10 students insight into future employment options.

11 (4) For grades 11 through 12, career preparation models that
12 provide job or further education counseling, including the
13 following:

14 (A) Initial job counseling, including the use of job service
15 officers to provide school based assessment, information, and
16 guidance on employment options and the rights of students as
17 employees.

18 (B) Workplace orientation visits.

19 (C) On-the-job experience exercises.

20 (e) The department, with assistance from the department of labor
21 and the department of ~~workforce development~~, **unemployment**
22 **insurance**, shall:

23 (1) develop and make available teacher guides; and

24 (2) conduct seminars or other teacher education activities;

25 to assist teachers in providing the instruction described in this section.

26 (f) The department shall, with assistance from the department of
27 ~~workforce development~~, **unemployment insurance**, design and
28 implement innovative career preparation demonstration projects for
29 students in at least grade 9.

30 SECTION 28. IC 20-30-6-2, AS ADDED BY P.L.1-2005,
31 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2008]: Sec. 2. (a) The department shall, in cooperation with
33 the department of ~~workforce development~~, **unemployment insurance**,
34 implement the Indiana program of adult competency.

35 (b) The department may, with approval by the department of
36 ~~workforce development~~, **unemployment insurance**, do the following:

37 (1) Use funds available under the Job Training Partnership Act
38 under 29 U.S.C. 1500 et seq.

39 (2) Use funds available to the department of ~~workforce~~
40 **development unemployment insurance** to implement the Indiana
41 program of adult competency.

42 SECTION 29. IC 20-32-3-12, AS ADDED BY P.L.1-2005,

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1 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2008]: Sec. 12. The state board shall do the following:

3 (1) Make the academically related secondary level certificate of
4 achievement assessment instruments available to the department
5 of ~~workforce development~~ **unemployment insurance** for the
6 department of ~~workforce development's~~ **unemployment**
7 **insurance's** use in offering adult learners the opportunity to
8 demonstrate the requisite proficiency in the particular subject and
9 skill areas.

10 (2) Authorize the department of ~~workforce development~~
11 **unemployment insurance** to award the particular certificates of
12 achievement to those individuals who demonstrate the requisite
13 proficiency.

14 SECTION 30. IC 20-32-3-13, AS AMENDED BY P.L.234-2007,
15 SECTION 116, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2008]: Sec. 13. The state board shall, in
17 cooperation with the Indiana commission for career and technical
18 education within the department of ~~workforce development,~~
19 **unemployment insurance**, adopt rules under IC 4-22-2 to implement
20 this chapter, including rules concerning the administration of the
21 secondary level certificates of achievement by the department of
22 ~~workforce development.~~ **unemployment insurance.**

23 SECTION 31. IC 20-35-2-1, AS AMENDED BY P.L.234-2007,
24 SECTION 121, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) There is established under the
26 state board a division of special education. The division shall exercise
27 all the power and duties set out in this chapter, IC 20-35-3 through
28 IC 20-35-6, and IC 20-35-8.

29 (b) The governor shall appoint, upon the recommendation of the
30 state superintendent, a director of special education who serves at the
31 pleasure of the governor. The amount of compensation of the director
32 shall be determined by the budget agency with the approval of the
33 governor. The director has the following duties:

- 34 (1) To do the following:
35 (A) Have general supervision of all programs, classes, and
36 schools for children with disabilities, including those
37 conducted by public schools, the Indiana School for the Blind
38 and Visually Impaired, the Indiana School for the Deaf, the
39 department of correction, the state department of health, the
40 division of disability and rehabilitative services, and the
41 division of mental health and addiction.
42 (B) Coordinate the work of schools described in clause (A).

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1 For programs for preschool children with disabilities as required
 2 under IC 20-35-4-9, have general supervision over programs,
 3 classes, and schools, including those conducted by the schools or
 4 other state or local service providers as contracted for under
 5 IC 20-35-4-9. However, general supervision does not include the
 6 determination of admission standards for the state departments,
 7 boards, or agencies authorized to provide programs or classes
 8 under this chapter.

9 (2) To adopt, with the approval of the state board, rules governing
 10 the curriculum and instruction, including licensing of personnel
 11 in the field of education, as provided by law.

12 (3) To inspect and rate all schools, programs, or classes for
 13 children with disabilities to maintain proper standards of
 14 personnel, equipment, and supplies.

15 (4) With the consent of the state superintendent and the budget
 16 agency, to appoint and determine salaries for any assistants and
 17 other personnel needed to enable the director to accomplish the
 18 duties of the director's office.

19 (5) To adopt, with the approval of the state board, the following:

20 (A) Rules governing the identification and evaluation of
 21 children with disabilities and their placement under an
 22 individualized education program in a special education
 23 program.

24 (B) Rules protecting the rights of a child with a disability and
 25 the parents of the child with a disability in the identification,
 26 evaluation, and placement process.

27 (6) To make recommendations to the state board concerning
 28 standards and case load ranges for related services to assist each
 29 teacher in meeting the individual needs of each child according
 30 to that child's individualized education program. The
 31 recommendations may include the following:

32 (A) The number of teacher aides recommended for each
 33 exceptionality included within the class size ranges.

34 (B) The role of the teacher aide.

35 (C) Minimum training recommendations for teacher aides and
 36 recommended procedures for the supervision of teacher aides.

37 (7) To cooperate with the interagency coordinating council
 38 established by IC 12-12.7-2-7 to ensure that the preschool special
 39 education programs required by IC 20-35-4-9 are consistent with
 40 the early intervention services program described in IC 12-12.7-2.

41 (c) The director or the state board may exercise authority over career
 42 and technical education programs for children with disabilities through

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1 a letter of agreement with the department of ~~workforce development~~:
 2 **unemployment insurance.**

3 SECTION 32. IC 20-35-7-5, AS ADDED BY P.L.1-2005,
 4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2008]: Sec. 5. (a) As used in this chapter, "adult services"
 6 refers to services that are provided by public agencies and other
 7 organizations to:

8 (1) facilitate student movement from the public agency to adult
 9 life; and

10 (2) provide services to enhance adult life.

11 (b) The term includes services provided by the following:

12 (1) A vocational rehabilitation services program.

13 (2) The department of ~~workforce development~~: **unemployment**
 14 **insurance.**

15 (3) The federal Social Security Administration.

16 (4) The bureau of developmental disabilities services.

17 (5) A community mental health center.

18 (6) A community rehabilitation program.

19 (7) An area agency on aging.

20 SECTION 33. IC 20-35-7-8, AS AMENDED BY P.L.141-2006,
 21 SECTION 100, IS AMENDED TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The division of disability and
 23 rehabilitative services, the division of mental health and addiction, and
 24 the department of ~~workforce development~~ **unemployment insurance**
 25 shall provide each school corporation with written material describing
 26 the following:

27 (1) The adult services available to students.

28 (2) The procedures to be used to access those services.

29 (b) The material shall be provided in sufficient numbers to allow
 30 each student and, if the student's parent is involved, each student's
 31 parent to receive a copy at the annual case review if the purpose of the
 32 meeting is to discuss transition services.

33 SECTION 34. IC 20-37-2-2, AS AMENDED BY P.L.234-2007,
 34 SECTION 124, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) A governing body may:

36 (1) establish career and technical education centers, schools, or
 37 departments in the manner approved by the state board; and

38 (2) maintain these schools or departments from the general fund.

39 (b) The governing body may include in the high school curriculum
 40 without additional state board approval any secondary level career and
 41 technical education course that is:

42 (1) included on the list of approved courses that the state board

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1 establishes under IC 20-20-20-3; and

2 (2) approved under section 11 of this chapter, if applicable.

3 (c) The governing body shall notify the department and the
4 department of ~~workforce development~~ **unemployment insurance**
5 whenever the governing body:

6 (1) includes an approved course for; or

7 (2) removes an approved course from;
8 the high school curriculum.

9 SECTION 35. IC 20-43-8-2, AS AMENDED BY P.L.234-2007,
10 SECTION 137, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) Before December 1 of each
12 year, the department of ~~workforce development~~ **unemployment**
13 **insurance** shall provide the department with a report, to be used to
14 determine career and technical education grant amounts in the second
15 calendar year after the year in which the report is provided, listing
16 whether the labor market demand for each generally recognized labor
17 category is more than moderate, moderate, or less than moderate. In the
18 report, the department of ~~workforce development~~ **unemployment**
19 **insurance** shall categorize each of the career and technical education
20 programs using the following four (4) categories:

21 (1) Programs that address employment demand for individuals in
22 labor market categories that are projected to need more than a
23 moderate number of individuals.

24 (2) Programs that address employment demand for individuals in
25 labor market categories that are projected to need a moderate
26 number of individuals.

27 (3) Programs that address employment demand for individuals in
28 labor market categories that are projected to need less than a
29 moderate number of individuals.

30 (4) All programs not covered by the employment demand
31 categories of subdivisions (1) through (3).

32 (b) Before December 1 of each year, the department of ~~workforce~~
33 ~~development~~ **unemployment insurance** shall provide the department
34 with a report, to be used to determine grant amounts that will be
35 distributed under this chapter in the second calendar year after the year
36 in which the report is provided, listing whether the average wage level
37 for each generally recognized labor category for which career and
38 technical education programs are offered is a high wage, a moderate
39 wage, or a less than moderate wage.

40 (c) In preparing the labor market demand report under subsection
41 (a) and the average wage level report under subsection (b), the
42 department of ~~workforce development~~ **unemployment insurance** shall,

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1 if possible, list the labor market demand and the average wage level for
2 specific regions, counties, and municipalities.

3 (d) If a new career and technical education program is created by
4 rule of the state board, the department of ~~workforce development~~
5 **unemployment insurance** shall determine the category in which the
6 program should be included.

7 SECTION 36. IC 20-43-8-10, AS AMENDED BY P.L.234-2007,
8 SECTION 140, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2008]: Sec. 10. If a school corporation
10 determines that the categories of career and technical education
11 programs issued by the department of ~~workforce development~~
12 **unemployment insurance** under section 2 of this chapter are not
13 representative of the employment demand in the region surrounding the
14 school corporation, the school corporation may petition the department
15 of ~~workforce development~~ **unemployment insurance** to recategorize
16 for the school corporation the career and technical education programs
17 offered by the school corporation according to the employment demand
18 in the region surrounding the school corporation. The petition must
19 include information supporting the school corporation's determination
20 that the categories of career and technical education programs by the
21 department of ~~workforce development~~ **unemployment insurance**
22 under section 2 of this chapter are not representative of the
23 employment demand in the region surrounding the school corporation.

24 SECTION 37. IC 21-18-10-6, AS ADDED BY P.L.234-2007,
25 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2008]: Sec. 6. (a) The commission may develop a definition
27 for and report biennially to the:

- 28 (1) general assembly;
29 (2) governor; and
30 (3) commission for career and technical education within the
31 department of ~~workforce development~~; **unemployment**
32 **insurance**;

33 on attrition and persistence rates by students enrolled in state career
34 and technical education.

35 (b) A report under this section to the general assembly must be in an
36 electronic format under IC 5-14-6.

37 SECTION 38. IC 22-4-1-1 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. As a guide to the
39 interpretation and application of this article, the public policy of this
40 state is declared to be as follows: Economic insecurity due to
41 unemployment is declared hereby to be a serious menace to the health,
42 morale, and welfare of the people of this state and to the maintenance

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1 of public order within this state. Protection against this great hazard of
 2 our economic life can be provided in some measure by the required and
 3 systematic accumulation of funds during periods of employment to
 4 provide benefits to the unemployed during periods of unemployment
 5 and by encouragement of desirable stable employment. The enactment
 6 of this article to provide for payment of benefits to persons unemployed
 7 through no fault of their own, to encourage stabilization in
 8 employment, and to provide for integrated employment and training
 9 services in support of state economic development programs, and to
 10 provide maximum job training and employment opportunities for the
 11 unemployed, underemployed, the economically disadvantaged,
 12 dislocated workers, and others with substantial barriers to employment,
 13 is, therefore, essential to public welfare; and the same is declared to be
 14 a proper exercise of the police powers of the state. To further this
 15 public policy, the state, through its department of ~~workforce~~
 16 ~~development~~, **unemployment insurance**, will maintain close
 17 coordination among all federal, state, and local agencies whose mission
 18 affects the employment or employability of the unemployed and
 19 underemployed.

20 SECTION 39. IC 22-4-2-3.5 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.5. "Commissioner"
 22 refers to the commissioner of ~~workforce development~~; **the department**
 23 **of unemployment insurance**.

24 SECTION 40. IC 22-4-2-11 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. "Department"
 26 means the department of ~~workforce development~~; **unemployment**
 27 **insurance**.

28 SECTION 41. IC 22-4-10.5-6, AS AMENDED BY P.L.202-2005,
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2008]: Sec. 6. (a) The skills 2016 training program is to be
 31 administered by the Indiana economic development corporation in the
 32 manner prescribed by IC 5-28-27.

33 (b) The Indiana economic development corporation shall enter into
 34 an agreement with the department of ~~workforce development~~
 35 **unemployment insurance** for the department of ~~workforce~~
 36 ~~development~~ **unemployment insurance** to administer the fund.

37 SECTION 42. IC 22-4-14-6 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) An individual
 39 shall be eligible to receive extended benefits with respect to any week
 40 of unemployment in the individual's eligibility period only if the
 41 commissioner finds that with respect to such week:

42 (1) the individual is an "exhaustee" (as defined in

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1 IC 22-4-2-34(i)); and
 2 (2) the individual has satisfied the requirements of this article for
 3 the receipt of regular benefits that are applicable to extended
 4 benefits, including not being subject to a disqualification for the
 5 receipt of benefits.

6 (b) If an individual has been disqualified from receiving extended
 7 benefits for failure to actively engage in seeking work under
 8 IC 22-4-15-2(c), the ineligibility shall continue for the week in which
 9 the failure occurs and until the individual earns remuneration in
 10 employment equal to or exceeding the weekly benefit amount of the
 11 individual's claim in each of four (4) weeks. For purposes of this
 12 subsection, an individual shall be treated as actively engaged in seeking
 13 work during any week if:

14 (1) the individual has engaged in a systematic and sustained effort
 15 to obtain work during the week; and

16 (2) the individual provides tangible evidence to the department of
 17 ~~workforce development~~ **unemployment insurance** that the
 18 individual has engaged in an effort to obtain work during the
 19 week.

20 (c) For claims for extended benefits established after September 25,
 21 1982, notwithstanding any other provision of this article, an individual
 22 shall be eligible to receive extended benefits only if the individual's
 23 insured wages in the base period with respect to which the individual
 24 exhausted all rights to regular compensation were equal to or exceeded
 25 one and one-half (1 1/2) times the individual's insured wages in that
 26 calendar quarter of the base period in which the individual's insured
 27 wages were the highest.

28 SECTION 43. IC 22-4-14-11 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) For weeks of
 30 unemployment occurring after October 1, 1983, benefits may be paid
 31 to an individual on the basis of service performed in seasonal
 32 employment (as defined in IC 22-4-8-4) only if the claim is filed within
 33 the operating period of the seasonal employment. If the claim is filed
 34 outside the operating period of the seasonal employment, benefits may
 35 be paid on the basis of nonseasonal wages only.

36 (b) An employer shall file an application for a seasonal
 37 determination (as defined by IC 22-4-7-3) with the department of
 38 ~~workforce development~~ **unemployment insurance**. A seasonal
 39 determination shall be made by the department within ninety (90) days
 40 after the filing of such an application. Until a seasonal determination
 41 by the department has been made in accordance with this section, no
 42 employer or worker may be considered seasonal.

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1 (c) Any interested party may file an appeal regarding a seasonal
2 determination within fifteen (15) calendar days after the determination
3 by the department and obtain review of the determination in
4 accordance with IC 22-4-32.

5 (d) Whenever an employer is determined to be a seasonal employer,
6 the following provisions apply:

7 (1) The seasonal determination becomes effective the first day of
8 the calendar quarter commencing after the date of the seasonal
9 determination.

10 (2) The seasonal determination does not affect any benefit rights
11 of seasonal workers with respect to employment before the
12 effective date of the seasonal determination.

13 (e) If a seasonal employer, after the date of its seasonal
14 determination, operates its business or its seasonal operation during a
15 period or periods of twenty-six (26) weeks or more in a calendar year,
16 the employer shall be determined by the department to have lost its
17 seasonal status with respect to that business or operation effective at
18 the end of the then current calendar quarter. The redetermination shall
19 be reported in writing to the employer. Any interested party may file an
20 appeal within fifteen (15) calendar days after the redetermination by
21 the department and obtain review of the redetermination in accordance
22 with IC 22-4-32.

23 (f) Seasonal employers shall keep account of wages paid to seasonal
24 workers within the seasonal period as determined by the department
25 and shall report these wages on a special seasonal quarterly report form
26 provided by the department.

27 (g) The board shall adopt rules applicable to seasonal employers for
28 determining their normal seasonal period or periods.

29 SECTION 44. IC 22-4-15-2 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) With respect to
31 benefit periods established on and after July 3, 1977, an individual is
32 ineligible for waiting period or benefit rights, or extended benefit
33 rights, if the department finds that, being totally, partially, or
34 part-totally unemployed at the time when the work offer is effective or
35 when the individual is directed to apply for work, the individual fails
36 without good cause:

37 (1) to apply for available, suitable work when directed by the
38 commissioner, the deputy, or an authorized representative of the
39 department of ~~workforce development~~ **unemployment insurance**
40 or the United States training and employment service;

41 (2) to accept, at any time after the individual is notified of a
42 separation, suitable work when found for and offered to the

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1 individual by the commissioner, the deputy, or an authorized
 2 representative of the department of ~~workforce development~~
 3 **unemployment insurance** or the United States training and
 4 employment service, or an employment unit; or
 5 (3) to return to the individual's customary self-employment when
 6 directed by the commissioner or the deputy.

7 (b) With respect to benefit periods established on and after July 6,
 8 1980, the ineligibility shall continue for the week in which the failure
 9 occurs and until the individual earns remuneration in employment
 10 equal to or exceeding the weekly benefit amount of the individual's
 11 claim in each of eight (8) weeks. If the qualification amount has not
 12 been earned at the expiration of an individual's benefit period, the
 13 unearned amount shall be carried forward to an extended benefit period
 14 or to the benefit period of a subsequent claim.

15 (c) With respect to extended benefit periods established on and after
 16 July 5, 1981, the ineligibility shall continue for the week in which the
 17 failure occurs and until the individual earns remuneration in
 18 employment equal to or exceeding the weekly benefit amount of the
 19 individual's claim in each of four (4) weeks.

20 (d) If an individual failed to apply for or accept suitable work as
 21 outlined in this section, the maximum benefit amount of the
 22 individual's current claim, as initially determined, shall be reduced by
 23 twenty-five percent (25%). If twenty-five percent (25%) of the
 24 maximum benefit amount is not an even dollar amount, the amount of
 25 such reduction shall be raised to the next higher even dollar amount.
 26 The maximum benefit amount of the individual's current claim may not
 27 be reduced by more than twenty-five percent (25%) during any benefit
 28 period or extended benefit period.

29 (e) In determining whether or not any such work is suitable for an
 30 individual, the department shall consider:

- 31 (1) the degree of risk involved to such individual's health, safety,
 32 and morals;
- 33 (2) the individual's physical fitness and prior training and
 34 experience;
- 35 (3) the individual's length of unemployment and prospects for
 36 securing local work in the individual's customary occupation; and
- 37 (4) the distance of the available work from the individual's
 38 residence.

39 However, work under substantially the same terms and conditions
 40 under which the individual was employed by a base-period employer,
 41 which is within the individual's prior training and experience and
 42 physical capacity to perform, shall be considered to be suitable work

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1 unless the claimant has made a bona fide change in residence which
 2 makes such offered work unsuitable to the individual because of the
 3 distance involved. For an individual who is subject to section 1(c)(8)
 4 of this chapter, the determination of suitable work for the individual
 5 must reasonably accommodate the individual's need to address the
 6 physical, psychological, legal, and other effects of domestic or family
 7 violence.

8 (f) Notwithstanding any other provisions of this article, no work
 9 shall be considered suitable and benefits shall not be denied under this
 10 article to any otherwise eligible individual for refusing to accept new
 11 work under any of the following conditions:

12 (1) If the position offered is vacant due directly to a strike,
 13 lockout, or other labor dispute.

14 (2) If the remuneration, hours, or other conditions of the work
 15 offered are substantially less favorable to the individual than
 16 those prevailing for similar work in the locality.

17 (3) If as a condition of being employed the individual would be
 18 required to join a company union or to resign from or refrain from
 19 joining a bona fide labor organization.

20 (4) If as a condition of being employed the individual would be
 21 required to discontinue training into which the individual had
 22 entered with the approval of the department.

23 (g) Notwithstanding subsection (e), with respect to extended benefit
 24 periods established on and after July 5, 1981, "suitable work" means
 25 any work which is within an individual's capabilities. However, if the
 26 individual furnishes evidence satisfactory to the department that the
 27 individual's prospects for obtaining work in the individual's customary
 28 occupation within a reasonably short period are good, the
 29 determination of whether any work is suitable work shall be made as
 30 provided in subsection (e).

31 (h) With respect to extended benefit periods established on and after
 32 July 5, 1981, no work shall be considered suitable and extended
 33 benefits shall not be denied under this article to any otherwise eligible
 34 individual for refusing to accept new work under any of the following
 35 conditions:

36 (1) If the gross average weekly remuneration payable to the
 37 individual for the position would not exceed the sum of:

38 (A) the individual's average weekly benefit amount for the
 39 individual's benefit year; plus

40 (B) the amount (if any) of supplemental unemployment
 41 compensation benefits (as defined in Section 501(c)(17)(D) of
 42 the Internal Revenue Code) payable to the individual for such

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1 week.

2 (2) If the position was not offered to the individual in writing or

3 was not listed with the department of ~~workforce development~~:

4 **unemployment insurance.**

5 (3) If such failure would not result in a denial of compensation

6 under the provisions of this article to the extent that such

7 provisions are not inconsistent with the applicable federal law.

8 (4) If the position pays wages less than the higher of:

9 (A) the minimum wage provided by 29 U.S.C. 206(a)(1) (The

10 Fair Labor Standards Act of 1938), without regard to any

11 exemption; or

12 (B) the state minimum wage (IC 22-2-2).

13 (i) The department of ~~workforce development~~ **unemployment**

14 **insurance** shall refer individuals eligible for extended benefits to any

15 suitable work (as defined in subsection (g)) to which subsection (h)

16 would not apply.

17 SECTION 45. IC 22-4-18-1, AS AMENDED BY P.L.234-2007,

18 SECTION 141, IS AMENDED TO READ AS FOLLOWS

19 [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) There is created a department

20 under IC 22-4.1-2-1 which shall be known as the department of

21 ~~workforce development~~: **unemployment insurance.**

22 (b) The department of ~~workforce development~~ **unemployment**

23 **insurance** may:

24 (1) Administer the unemployment insurance program, the

25 Wagner-Peyser program, the Workforce Investment Act, a free

26 public labor exchange, and related federal and state employment

27 and training programs as directed by the governor.

28 (2) Formulate and implement an employment and training plan as

29 required by the Workforce Investment Act (29 U.S.C. 2801 et

30 seq.), including reauthorizations of the Act, and the

31 Wagner-Peyser Act (29 U.S.C. 49 et seq.).

32 (3) Coordinate activities with all state agencies and departments

33 that either provide employment and training related services or

34 operate appropriate resources or facilities, to maximize Indiana's

35 efforts to provide employment opportunities for economically

36 disadvantaged individuals, dislocated workers, and others with

37 substantial barriers to employment.

38 (4) Apply for, receive, disburse, allocate, and account for all

39 funds, grants, gifts, and contributions of money, property, labor,

40 and other things of value from public and private sources,

41 including grants from agencies and instrumentalities of the state

42 and the federal government.

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- 1 (5) Enter into agreements with the United States government that
- 2 may be required as a condition of obtaining federal funds related
- 3 to activities of the department.
- 4 (6) Enter into contracts or agreements and cooperate with local
- 5 governmental units or corporations, including profit or nonprofit
- 6 corporations, or combinations of units and corporations to carry
- 7 out the duties of the department imposed by this chapter,
- 8 including contracts for the establishment and administration of
- 9 employment and training offices and the delegation of the
- 10 department's administrative, monitoring, and program
- 11 responsibilities and duties set forth in this article.
- 12 (7) Perform other services and activities that are specified in
- 13 contracts for payments or reimbursement of the costs made with
- 14 the Secretary of Labor, any federal, state, or local public agency
- 15 or administrative entity, or a private for-profit or nonprofit
- 16 organization under the Workforce Investment Act (29 U.S.C.
- 17 2801 et seq.), including reauthorizations of the Act.
- 18 (8) Enter into contracts or agreements and cooperate with entities
- 19 that provide career and technical education to carry out the duties
- 20 imposed by this chapter.
- 21 (c) The payment of unemployment insurance benefits must be made
- 22 in accordance with 26 U.S.C. 3304.
- 23 (d) The department of ~~workforce development~~ **unemployment**
- 24 **insurance** may do all acts and things necessary or proper to carry out
- 25 the powers expressly granted under this article, including the adoption
- 26 of rules under IC 4-22-2.
- 27 (e) The department of ~~workforce development~~ **unemployment**
- 28 **insurance** may not charge any claimant for benefits for providing
- 29 services under this article, except as provided in IC 22-4-17-12.
- 30 (f) The department of ~~workforce development~~ **unemployment**
- 31 **insurance** shall distribute federal funds made available for
- 32 employment training in accordance with:
- 33 (1) 29 U.S.C. 2801 et seq., including reauthorizations of the Act,
- 34 and other applicable federal laws; and
- 35 (2) the plan prepared by the department under subsection (g)(1).
- 36 (g) In addition to the duties prescribed in subsections (a) through (f),
- 37 the department of ~~workforce development~~ **unemployment insurance**
- 38 shall do the following:
- 39 (1) Implement to the best of its ability its employment training
- 40 programs and the comprehensive career and technical education
- 41 program in Indiana developed under the long range plan under
- 42 IC 22-4.1-13.

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1 (2) Upon request of the budget director, prepare a legislative
2 budget request for state and federal funds for employment
3 training. The budget director shall determine the period to be
4 covered by the budget request.

5 (3) Evaluate its programs according to criteria established by the
6 Indiana commission for career and technical education within the
7 department of ~~workforce development~~ **unemployment insurance**
8 under IC 22-4.1-13.

9 (4) Make or cause to be made studies of the needs for various
10 types of programs that are related to employment training and
11 authorized under the Workforce Investment Act, including
12 reauthorizations of the Act.

13 (5) Distribute state funds made available for employment training
14 that have been appropriated by the general assembly in
15 accordance with:

16 (A) the general assembly appropriation; and

17 (B) the plan prepared by the department under subdivision (1).

18 (6) Establish, implement, and maintain a training program in the
19 nature and dynamics of domestic and family violence for training
20 of all employees of the department who interact with a claimant
21 for benefits to determine whether the claim of the individual for
22 unemployment benefits is valid and to determine that employment
23 separations stemming from domestic or family violence are
24 reliably screened, identified, and adjudicated and that victims of
25 domestic or family violence are able to take advantage of the full
26 range of job services provided by the department. The training
27 presenters shall include domestic violence experts with expertise
28 in the delivery of direct services to victims of domestic violence,
29 including using the staff of shelters for battered women in the
30 presentation of the training. The initial training shall consist of
31 instruction of not less than six (6) hours. Refresher training shall
32 be required annually and shall consist of instruction of not less
33 than three (3) hours.

34 SECTION 46. IC 22-4-18-4 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. The department of
36 ~~workforce development~~ **unemployment insurance** established under
37 IC 22-4.1-2-1 shall administer job training and placement services, the
38 skills 2016 training program established by IC 22-4-10.5-2, and
39 unemployment insurance.

40 SECTION 47. IC 22-4-18-7 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The department
42 annually shall prepare a written report of its training activities and the

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1 training activities of the various workforce investment boards during
 2 the immediately preceding state fiscal year. The department's annual
 3 report for a particular state fiscal year must include information for
 4 each training project for which either the department or a workforce
 5 development board provided any funding during that state fiscal year.
 6 At a minimum, the following information must be provided for such a
 7 training project:

8 (1) A description of the training project, including the name and
 9 address of the training provider.

10 (2) The amount of funding that either the department or a
 11 workforce investment board provided for the project and an
 12 indication of which entity provided the funding.

13 (3) The number of trainees who participated in the project.

14 (4) Demographic information about the trainees, including the age
 15 of each trainee, the education attainment level of each trainee, and
 16 for those training projects that have specific gender requirements,
 17 the gender of each trainee.

18 (5) The results of the project, including skills developed by
 19 trainees, any license or certification associated with the training
 20 project, the extent to which trainees have been able to secure
 21 employment or obtain better employment, and descriptions of the
 22 specific jobs which trainees have been able to secure or to which
 23 trainees have been able to advance.

24 (b) With respect to trainees that have been able to secure
 25 employment or obtain better employment, the department of ~~workforce~~
 26 ~~development~~ **unemployment insurance** shall compile data on the
 27 retention rates of those trainees in the jobs which the trainees secured
 28 or to which they advanced. The department shall include information
 29 concerning those retention rates in each of its annual reports.

30 (c) On or before October 1 of each state fiscal year, each workforce
 31 investment board shall provide the department with a written report of
 32 its training activities for the immediately preceding state fiscal year.
 33 The workforce development board shall prepare the report in the
 34 manner prescribed by the department. However, at a minimum, the
 35 workforce development board shall include in its report the information
 36 required by subsection (a) for each training project for which the
 37 workforce development board provided any funding during the state
 38 fiscal year covered by the report. In addition, the workforce
 39 development board shall include in each report retention rate
 40 information as set forth in subsection (b).

41 (d) The department shall provide a copy of its annual report for a
 42 particular state fiscal year to the:

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- 1 (1) governor;
- 2 (2) legislative council; and
- 3 (3) unemployment insurance board;
- 4 on or before December 1 of the immediately preceding state fiscal year.
- 5 An annual report provided under this subsection to the legislative
- 6 council must be in an electronic format under IC 5-14-6.

7 SECTION 48. IC 22-4-18.1-7, AS AMENDED BY P.L.161-2006,
 8 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2008]: Sec. 7. (a) Except as provided in subsection (b) and
 10 subject to the approval of the commissioner of the department of
 11 ~~workforce development~~, **unemployment insurance**, the state personnel
 12 department, and the budget agency, the council may employ
 13 professional, technical, and clerical personnel necessary to carry out
 14 the duties imposed by this chapter using the following:

- 15 (1) Funds available under applicable federal and state programs.
- 16 (2) Appropriations by the general assembly for this purpose.
- 17 (3) Funds in the state technology advancement and retention
- 18 account established by IC 4-12-12-1.
- 19 (4) Other funds (other than federal funds) available to the council
- 20 for this purpose.

21 (b) Subject to the approval of the commissioner of the department
 22 of ~~workforce development~~ **unemployment insurance** and the budget
 23 agency, the council may contract for services necessary to implement
 24 this chapter.

- 25 (c) The council is subject to:
- 26 (1) the allotment system administered by the budget agency; and
- 27 (2) financial oversight by the office of management and budget.

28 SECTION 49. IC 22-4-26-5, AS AMENDED BY P.L.234-2007,
 29 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2008]: Sec. 5. (a) Money credited to the account of this state
 31 in the unemployment trust fund by the Secretary of the Treasury of the
 32 United States pursuant to 42 U.S.C. 1103, as amended, may be
 33 requisitioned and used for the payment of expenses incurred for the
 34 administration of this article and public employment offices pursuant
 35 to a specific appropriation by the general assembly, provided that the
 36 expenses are incurred and the money is requisitioned after the
 37 enactment of an appropriation statute which:

- 38 (1) specifies the purposes for which such money is appropriated
- 39 and the amounts appropriated therefor;
- 40 (2) except as provided in subsection (i), limits the period within
- 41 which such money may be obligated to a period ending not more
- 42 than two (2) years after the date of the enactment of the

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1 appropriation statute; and
 2 (3) limits the total amount which may be obligated during a
 3 twelve (12) month period beginning on July 1 and ending on the
 4 next June 30 to an amount which does not exceed the amount by
 5 which:
 6 (A) the aggregate of the amounts credited to the account of
 7 this state pursuant to 42 U.S.C. 1103, as amended, during such
 8 twelve (12) month period and the twenty-four (24) preceding
 9 twelve (12) month periods; exceeds
 10 (B) the aggregate of the amounts obligated by this state
 11 pursuant to this section and amounts paid out for benefits and
 12 charged against the amounts credited to the account of this
 13 state during such twenty-five (25) twelve (12) month periods.
 14 (b) For the purposes of this section, amounts obligated by this state
 15 during any such twelve (12) month period shall be charged against
 16 equivalent amounts which were first credited and which have not
 17 previously been so charged, except that no amount obligated for
 18 administration of this article and public employment offices during any
 19 such twelve (12) month period may be charged against any amount
 20 credited during such twelve (12) month period earlier than the
 21 fourteenth preceding such twelve (12) month period.
 22 (c) Amounts credited to the account of this state pursuant to 42
 23 U.S.C. 1103, as amended, may not be obligated except for the payment
 24 of cash benefits to individuals with respect to their unemployment and
 25 for the payment of expenses incurred for the administration of this
 26 article and public employment offices pursuant to this section.
 27 (d) Money appropriated as provided in this section for the payment
 28 of expenses incurred for the administration of this article and public
 29 employment offices pursuant to this section shall be requisitioned as
 30 needed for payment of obligations incurred under such appropriation
 31 and upon requisition shall be deposited in the employment and training
 32 services administration fund but, until expended, shall remain a part of
 33 the unemployment insurance benefit fund. The commissioner shall
 34 maintain a separate record of the deposit, obligation, expenditure, and
 35 return of funds so deposited. If any money so deposited is for any
 36 reason not to be expended for the purpose for which it was
 37 appropriated, or if it remains unexpended at the end of the period
 38 specified by the statute appropriating such money, it shall be
 39 withdrawn and returned to the Secretary of the Treasury of the United
 40 States for credit to this state's account in the unemployment trust fund.
 41 (e) There is appropriated out of the funds made available to Indiana
 42 under Section 903 of the Social Security Act, as amended by Section

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1 209 of the Temporary Extended Unemployment Compensation Act of
 2 2002 (which is Title II of the federal Jobs Creation and Worker
 3 Assistance Act of 2002, Pub.L107-147), seventy-two million two
 4 hundred thousand dollars (\$72,200,000) to the department of ~~workforce~~
 5 ~~development: unemployment insurance~~. The appropriation made by
 6 this subsection is available for ten (10) state fiscal years beginning with
 7 the state fiscal year beginning July 1, 2003. Unencumbered money at
 8 the end of a state fiscal year does not revert to the state general fund.

9 (f) Money appropriated under subsection (e) is subject to the
 10 requirements of IC 22-4-37-1.

11 (g) Money appropriated under subsection (e) may be used only for
 12 the following purposes:

13 (1) The administration of the Unemployment Insurance (UI)
 14 program and the Wagner Peyser public employment office
 15 program.

16 (2) Acquiring land and erecting buildings for the use of the
 17 department of ~~workforce development: unemployment~~
 18 ~~insurance~~.

19 (3) Improvements, facilities, paving, landscaping, and equipment
 20 repair and maintenance that may be required by the department of
 21 ~~workforce development: unemployment insurance~~.

22 (h) In accordance with the requirements of subsection (g), the
 23 department of ~~workforce development unemployment insurance~~ may
 24 allocate up to the following amounts from the amount described in
 25 subsection (e) for the following purposes:

26 (1) Thirty-nine million two hundred thousand dollars
 27 (\$39,200,000) to be used for the modernization of the
 28 Unemployment Insurance (UI) system beginning July 1, 2003,
 29 and ending June 30, 2013.

30 (2) For:

31 (A) the state fiscal year beginning after June 30, 2003, and
 32 ending before July 1, 2004, five million dollars (\$5,000,000);

33 (B) the state fiscal year beginning after June 30, 2004, and
 34 ending before July 1, 2005, five million dollars (\$5,000,000);

35 (C) the state fiscal year beginning after June 30, 2005, and
 36 ending before July 1, 2006, five million dollars (\$5,000,000);

37 (D) the state fiscal year beginning after June 30, 2006, and
 38 ending before July 1, 2007, five million dollars (\$5,000,000);

39 (E) the state fiscal year beginning after June 30, 2007, and
 40 ending before July 1, 2008, five million dollars (\$5,000,000);

41 and

42 (F) state fiscal years beginning after June 30, 2008, and ending

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1 before July 1, 2012, the unused part of any amount allocated
 2 in any year for any purpose under this subsection;
 3 for the JOBS proposal to meet the workforce needs of Indiana
 4 employers in high wage, high skill, high demand occupations.

5 (3) For:

6 (A) the state fiscal year beginning after June 30, 2003, and
 7 ending before July 1, 2004, four million dollars (\$4,000,000);

8 (B) the state fiscal year beginning after June 30, 2004, and
 9 ending before July 1, 2005, four million dollars (\$4,000,000);

10 to be used by the workforce investment boards in the
 11 administration of Indiana's public employment offices.

12 (i) The amount appropriated under subsection (e) for the payment
 13 of expenses incurred in the administration of this article and public
 14 employment is not required to be obligated within the two (2) year
 15 period described in subsection (a)(2).

16 SECTION 50. IC 22-4.1-1-2 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. "Commissioner"
 18 refers to the commissioner of the department of ~~workforce development~~
 19 **unemployment insurance** appointed under IC 22-4.1-3-1.

20 SECTION 51. IC 22-4.1-1-3 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. "Department" refers
 22 to the department of ~~workforce development~~ **unemployment**
 23 **insurance** established under IC 22-4.1-2.

24 SECTION 52. IC 22-4.1-2-1 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. The department of
 26 ~~workforce development~~ **unemployment insurance** is established.
 27 Notwithstanding any other law, the department is the sole agency to
 28 plan, coordinate, implement, monitor, and make recommendations
 29 regarding initiatives designed to prepare Indiana's workforce for
 30 effective participation in the competitive and global economy.

31 SECTION 53. IC 22-4.1-3-4, AS AMENDED BY P.L.234-2007,
 32 SECTION 145, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2008]: Sec. 4. Funds necessary to support the
 34 operating costs of the department of ~~workforce development~~
 35 **unemployment insurance** beyond those approved and appropriated by
 36 the United States Congress or approved by federal agencies for the
 37 operation of the department and specifically authorized by other
 38 provisions of IC 22-4:

39 (1) must be specifically appropriated from the state general fund
 40 for this purpose; and

41 (2) may not be derived from other state or federal funds directed
 42 for unemployment insurance programs under IC 22-4, including

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1 funds under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), any
 2 other grants or funds that are passed through for job training
 3 programs, the Carl D. Perkins Vocational and Applied
 4 Technology Act (20 U.S.C. 2301 et seq.), and any other grant or
 5 funds for career and technical education.

6 SECTION 54. IC 22-4.5-2-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. "Department" refers
 8 to the department of ~~workforce development~~ **unemployment**
 9 **insurance** established under IC 22-4.1-2.

10 SECTION 55. IC 23-15-9-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. The secretary of state
 12 shall, upon request from the department of ~~workforce development;~~
 13 **unemployment insurance**, provide to the department of ~~workforce~~
 14 ~~development~~ **unemployment insurance** a list of:

- 15 (1) corporations;
 16 (2) nonprofit corporations;
 17 (3) limited partnerships; and
 18 (4) limited liability companies;
 19 that have been administratively, judicially, or voluntarily dissolved
 20 under IC 23.

21 SECTION 56. IC 27-16-10-3, AS ADDED BY P.L.245-2005,
 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2008]: Sec. 3. Upon the:

- 24 (1) termination of a professional employer agreement; or
 25 (2) failure by a PEO to submit reports or make tax payments as
 26 required under this article;

27 the client must be treated by the department of ~~workforce development~~
 28 **unemployment insurance** as a new employer without a previous
 29 experience record unless the client is otherwise eligible for an
 30 experience rating.

31 SECTION 57. IC 31-25-4-8, AS ADDED BY P.L.145-2006,
 32 SECTION 271, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2008]: Sec. 8. In addition to the duties imposed
 34 by section 7 of this chapter, the bureau shall do the following:

- 35 (1) Perform one (1) of the following under IC 22-4-39:
 36 (A) Enter into an agreement with each individual who owes a
 37 child support obligation being enforced by the child support
 38 bureau and who is eligible for unemployment compensation
 39 benefits under IC 22-4 to have a specified amount withheld
 40 from the benefits otherwise payable to the individual, not to
 41 exceed the individual's unemployment compensation weekly
 42 benefit amount.

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1 (B) Bring legal process to require the withholding of specified
2 amounts from the individual's unemployment compensation
3 benefits.

4 (C) Accept an amount specified by the individual to be
5 deducted and withheld by the department of ~~workforce~~
6 ~~development~~; **unemployment insurance**.

7 (2) Notify the department of ~~workforce development~~
8 **unemployment insurance** of the amounts to be deducted from an
9 individual's unemployment compensation as determined under
10 subdivision (1), not to exceed the individual's weekly benefit
11 amount of unemployment compensation.

12 (3) Reimburse the department of ~~workforce development~~
13 **unemployment insurance** for the administrative costs incurred
14 by the department under IC 22-4-39.

15 SECTION 58. IC 34-46-2-15 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec.15. IC 22-4-19-6
17 (Concerning department of ~~workforce development~~ **unemployment**
18 **insurance** information).

19 SECTION 59. IC 34-52-2-1 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Subject to any
21 other statute governing reimbursement of fees and other expenses, this
22 chapter applies to the reimbursement of the fees and other expenses
23 incurred in preparing for or prosecuting:

24 (1) a proceeding under IC 4-21.5-5 to judicially review a final
25 order made by a state agency;

26 (2) an appeal from a final determination made by the worker's
27 compensation board;

28 (3) an appeal of a final determination made by the department of
29 state revenue; or

30 (4) an appeal of a final determination made by the department of
31 ~~workforce development~~ **unemployment insurance** or the
32 ~~department of workforce development~~ unemployment insurance
33 review board **of the department of unemployment insurance**.

34 (b) However, this chapter does not apply to an order or other
35 determination:

36 (1) under:

37 (A) IC 16-27-1;

38 (B) IC 16-28;

39 (C) IC 16-29-1 (**repealed**);

40 (D) IC 16-30;

41 (E) IC 12-28-4; or

42 (F) IC 12-28-5;

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- 1 (2) by an agency described by IC 25-1-8-1; or
- 2 (3) by the board of podiatric medicine.

3 SECTION 60. IC 36-2-7-9 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. This chapter does not
 5 require the county sheriff to pay the following into the county general
 6 fund:

- 7 (1) Any damages set forth in a warrant that is issued by the
- 8 department of state revenue and on which collection is made by
- 9 the sheriff, including damages prescribed by IC 6-8.1-8.
- 10 (2) Sums, other than court fees, retained by the circuit court clerk
- 11 for the sheriff from the collections obtained by warrants of the
- 12 department of ~~workforce development~~ **unemployment**
- 13 **insurance**.
- 14 (3) Sums allowed by IC 36-8 to sheriffs for the feeding of
- 15 prisoners.

16 SECTION 61. IC 36-7-13-5 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) In order to
 18 coordinate the efforts of the unit and any private industrial
 19 development committee in the community, an advisory commission on
 20 industrial development shall be appointed by the unit's executive.

21 (b) Except as provided in subsection (d), the commission shall be
 22 composed of six (6) members, including at least one (1) representative
 23 of the unit's government, at least one (1) representative of the local
 24 industrial development committee, at least one (1) representative of a
 25 local banking institution, at least one (1) representative of a local utility
 26 company, and at least one (1) representative of organized labor from
 27 the building trades. A member of the commission may represent more
 28 than one (1) of the organizations enumerated.

29 (c) The unit's legislative body shall request the commission's
 30 recommendations. The legislative body may not conduct any business
 31 requiring expenditures from the industrial development fund or make
 32 any sale or lease of property acquired by the unit under this chapter
 33 without the approval, in writing, of a majority of the members of the
 34 commission.

35 (d) In addition to the members described in subsection (b), if the
 36 executive of a unit has submitted a petition to a commission under
 37 section 10 of this chapter or if the legislative body of a county or
 38 municipality has adopted an ordinance designating a district under
 39 section 10.5 of this chapter, the following persons are members of the
 40 commission:

- 41 (1) A member appointed by the governor.
- 42 (2) A member appointed by the lieutenant governor.

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1 (3) A member appointed by the director of the department of
2 ~~workforce development.~~ **unemployment insurance.**
3 SECTION 62. IC 36-7.6-1-7, AS ADDED BY P.L.232-2007,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2008]: Sec. 7. "Economic growth region" refers to an
6 economic growth region designated by the department of ~~workforce~~
7 ~~development.~~ **unemployment insurance.**
8 SECTION 63. [EFFECTIVE JULY 1, 2008] (a) **After June 30,**
9 **2008, a reference to the department of workforce development in**
10 **Indiana law, a rule, or another document is considered to be a**
11 **reference to the department of unemployment insurance.**
12 (b) **The department of unemployment insurance shall amend**
13 **references to the department of workforce development in the**
14 **Indiana Administrative Code to reflect the change of the**
15 **department's name by this act to the department of unemployment**
16 **insurance.**

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