

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	9
NO:	3

MR. SPEAKER:

*Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning labor
- 3 and safety.
- 4 Page 1, delete lines 1 through 10, begin a new paragraph and insert:
- 5 "SECTION 1. IC 22-4-11-4 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) If the
- 7 commissioner finds that any employer has failed to file any payroll
- 8 report or has filed a report which the commissioner finds incorrect or
- 9 insufficient, the commissioner shall make an estimate of the
- 10 information required from the employer on the basis of the best
- 11 evidence reasonably available to the commissioner at the time and
- 12 notify the employer thereof by mail addressed to the employer's last
- 13 known address. Except as provided in subsection (b), unless the
- 14 employer files the report or a corrected or sufficient report, as the case

1 may be, within fifteen (15) days after the mailing of the notice, the
2 commissioner shall compute the employer's rate of contribution on the
3 basis of the estimates, and the rate determined in this manner shall be
4 subject to increase ~~but not to reduction or decrease~~ on the basis of
5 subsequently ascertained information. The estimated amount of
6 contribution is considered prima facie correct.

7 (b) The commissioner may adjust the amount of contribution
8 estimated in this manner on the basis of information ascertained after
9 the expiration of the notice period if the employer or other interested
10 party:

11 (1) makes an affirmative showing of all facts alleged as a
12 reasonable cause for the failure to timely file any payroll report;
13 and

14 (2) submits accurate and reliable payroll reports."

(Reference is to HB 1009 as introduced.)

and when so amended that said bill do pass.

Representative Gutwein