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# SENATE BILL No. 370

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-21.5-2-5; IC 4-23-20-3; IC 12-14-26; IC 20-30-6-2; IC 22-4; IC 22-4.1; IC 22-4.5.

**Synopsis:** Workforce development system. Requires the Indiana economic development corporation to establish a regional workforce system of not more than 11 regional workforce areas (area) with oversight by a regional workforce board (board). Establishes the criteria and selection process for board members. Renames the local boards "workforce investment boards", and provides that the duties of the regional workforce boards include providing support and guidance to workforce investment boards. Authorizes the boards to establish, using a competitive procurement process and with a workforce investment board's consent, agreements for support, oversight, and management services in the regional workforce area. Renames the state human resource investment council as the state workforce innovation council (council), and removes the requirement that the budget agency serve as the council's fiscal agent. Requires staggered terms for council members. Renames workforce development centers the one stop centers, requires that the centers be certified by the council, and repeals a requirement that certain providers offer services at the centers and restrictions on center funding sources. Repeals provisions concerning: (1) financial assistance for job training; (2) the state plan; (3) the establishment of workforce investment areas; (4) the one stop system and one stop partners; (5) the powers and duties of regional board and one stop partners; and (6) fiscal authority for youth, adult, and dislocated worker funds under Title 1 of the Workforce Investment Act. Removes obsolete references.

**Effective:** Upon passage.

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## Kruse

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January 11, 2006, read first time and referred to Committee on Economic Development and Technology.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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**SENATE BILL No. 370**



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 4-21.5-2-5, AS AMENDED BY P.L.4-2005,  
2 SECTION 19, P.L.229-2005, SECTION 1, AND P.L.235-2005,  
3 SECTION 60, IS CORRECTED AND AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. This article does  
5 not apply to the following agency actions:

6 (1) The issuance of a warrant or jeopardy warrant for the  
7 collection of taxes.

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

10 (3) A determination in a factfinding conference of the civil rights  
11 commission.

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

16 (5) A resolution, directive, or other action of any agency that  
17 relates solely to the internal policy, organization, or procedure of



- 1 that agency or another agency and is not a licensing or
- 2 enforcement action. Actions to which this exemption applies
- 3 include the statutory obligations of an agency to approve or ratify
- 4 an action of another agency.
- 5 (6) An agency action related to an offender within the jurisdiction
- 6 of the department of correction.
- 7 (7) A decision of the Indiana economic development corporation,
- 8 *the office of tourism development*, the department of
- 9 environmental management, the tourist information and grant
- 10 fund review committee **(before the repeal of the statute that**
- 11 **created the tourist information and grant fund review**
- 12 **committee)**, the Indiana ~~development~~ finance authority, the
- 13 corporation for innovation development, or the lieutenant
- 14 governor that concerns a grant, loan, bond, tax incentive, or
- 15 financial guarantee.
- 16 (8) A decision to issue or not issue a complaint, summons, or
- 17 similar accusation.
- 18 (9) A decision to initiate or not initiate an inspection,
- 19 investigation, or other similar inquiry that will be conducted by
- 20 the agency, another agency, a political subdivision, including a
- 21 prosecuting attorney, a court, or another person.
- 22 (10) A decision concerning the conduct of an inspection,
- 23 investigation, or other similar inquiry by an agency.
- 24 (11) The acquisition, leasing, or disposition of property or
- 25 procurement of goods or services by contract.
- 26 (12) Determinations of the department of workforce development
- 27 under IC 22-4-18-1(g)(1) ~~IC 22-4-40~~, or IC 22-4-41.
- 28 (13) A decision under IC 9-30-12 of the bureau of motor vehicles
- 29 to suspend or revoke ~~the~~ a driver's license, a driver's permit, a
- 30 vehicle title, or a vehicle registration of an individual who
- 31 presents a dishonored check.
- 32 (14) An action of the department of financial institutions under
- 33 IC 28-1-3.1 or a decision of the department of financial
- 34 institutions to act under IC 28-1-3.1.
- 35 (15) A determination by the NVRA official under IC 3-7-11
- 36 concerning an alleged violation of the National Voter Registration
- 37 Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.
- 38 (16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules
- 39 of the Indiana department of administration provide an
- 40 administrative appeals process.

41 SECTION 2. IC 4-23-20-3, AS AMENDED BY P.L.4-2005,  
 42 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 3. The committee consists of at least six (6)  
2 members appointed by the governor and must include representatives  
3 of the following:

- 4 (1) The Indiana economic development corporation.
- 5 (2) The department of workforce development.
- 6 (3) The division of disability, aging, and rehabilitative services.
- 7 (4) The commission on vocational and technical education of the  
8 department of workforce development.
- 9 (5) The state ~~human resource investment~~ **workforce innovation**  
10 council.
- 11 (6) The department of education.

12 SECTION 3. IC 12-14-26-9 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Each planning  
14 council shall submit its action plan to the state ~~human resource~~  
15 **investment workforce innovation** council established under  
16 IC 22-4-18.1.

17 SECTION 4. IC 12-14-26-10 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The state  
19 ~~human resource investment workforce innovation~~ council established  
20 under IC 22-4-18.1 shall:

- 21 (1) assist each planning council as needed; and
- 22 (2) coordinate the sharing of:
  - 23 (A) the details of each action plan; and
  - 24 (B) the details and results of each demonstration project;  
25 established under this chapter with planning councils throughout  
26 the state.

27 SECTION 5. IC 20-30-6-2, AS ADDED BY P.L.1-2005, SECTION  
28 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
29 PASSAGE]: Sec. 2. (a) The department shall, in cooperation with the  
30 department of workforce development, implement the Indiana program  
31 of adult competency.

32 (b) The department may, with approval by the department of  
33 workforce development, do the following:

- 34 (1) Use funds available under the ~~Job Training Partnership Act~~  
35 ~~under 29 U.S.C. 1500 et seq.~~ **Workforce Investment Act (29**  
36 **U.S.C. 2801 et seq.), including reauthorizations of the Act.**
- 37 (2) Use funds available to the department of workforce  
38 development to implement the Indiana program of adult  
39 competency.

40 SECTION 6. IC 22-4-18-1, AS AMENDED BY P.L.1-2005,  
41 SECTION 184, IS AMENDED TO READ AS FOLLOWS  
42 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) There is created a

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1 department under IC 22-4.1-2-1 which shall be known as the  
2 department of workforce development.

3 (b) The department of workforce development may:

4 (1) Administer the unemployment insurance program, the  
5 Wagner-Peyser program, the Workforce Investment Act, ~~the Job~~  
6 ~~Training Partnership Act program~~, including a free public labor  
7 exchange, and related federal and state employment and training  
8 programs as directed by the governor.

9 (2) Formulate and implement an employment and training plan as  
10 required by the Workforce Investment Act (29 U.S.C. 2801 et  
11 seq.), ~~the Job Training Partnership Act (29 U.S.C. 1501 et seq.)~~  
12 **and including reauthorizations of the Act**, the Wagner-Peyser  
13 Act (29 U.S.C. 49 et seq.), **and the employment and training**  
14 **programs established under the Food Stamp Act of 1977 (7**  
15 **U.S.C. 2011 et seq.) and the Temporary Assistance for Needy**  
16 **Families program (42 U.S.C. 601 et seq.)**.

17 (3) Coordinate activities with all state agencies and departments  
18 that either provide employment and training related services or  
19 operate appropriate resources or facilities, to maximize Indiana's  
20 efforts to provide employment opportunities for economically  
21 disadvantaged individuals, dislocated workers, and others with  
22 substantial barriers to employment.

23 (4) Apply for, receive, disburse, allocate, and account for all  
24 funds, grants, gifts, and contributions of money, property, labor,  
25 and other things of value from public and private sources,  
26 including grants from agencies and instrumentalities of the state  
27 and the federal government.

28 (5) Enter into agreements with the United States government that  
29 may be required as a condition of obtaining federal funds related  
30 to activities of the department.

31 (6) Enter into contracts or agreements and cooperate with local  
32 governmental units or corporations, including profit or nonprofit  
33 corporations, or combinations of units and corporations to carry  
34 out the duties of ~~this agency~~ **the department** imposed by this  
35 chapter, including contracts for the establishment and  
36 administration of employment and training offices and the  
37 delegation of **the department's** administrative, monitoring, and  
38 program responsibilities and duties set forth in this article. ~~Before~~  
39 ~~executing contracts described by this subdivision, the department~~  
40 ~~shall give preferential consideration to using departmental~~  
41 ~~personnel for the provision of services through local public~~  
42 ~~employment and training offices. Contracting of Wagner-Peyser~~

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1 services is prohibited where state employees are laid off due to  
2 the diversion of Wagner-Peyser funds.

3 (7) Perform other services and activities that are specified in  
4 contracts for payments or reimbursement of the costs made with  
5 the Secretary of Labor, ~~or with~~ any federal, state, or local public  
6 agency or administrative entity, **or a private organization** under  
7 the Workforce Investment Act (29 U.S.C. 2801 et seq.), ~~the Job~~  
8 ~~Training Partnership Act (29 U.S.C. 1501 et seq.) or private~~  
9 ~~nonprofit organization.~~ **including reauthorizations of the Act.**

10 (8) Enter into contracts or agreements and cooperate with entities  
11 that provide vocational education to carry out the duties imposed  
12 by this chapter.

13 (c) ~~The department of workforce development may not enter into~~  
14 ~~contracts for the delivery of services to claimants or employers under~~  
15 ~~the unemployment insurance program.~~ The payment of unemployment  
16 **compensation insurance benefits** must be made in accordance with 26  
17 U.S.C. 3304.

18 (d) The department of workforce development may do all acts and  
19 things necessary or proper to carry out the powers expressly granted  
20 under this article, including the adoption of rules under IC 4-22-2.

21 (e) The department of workforce development may not charge any  
22 claimant for benefits for providing services under this article, except as  
23 provided in IC 22-4-17-12.

24 (f) The department of workforce development shall distribute  
25 federal funds made available for employment training in accordance  
26 with:

27 (1) 29 U.S.C. 2801 et seq., ~~29 U.S.C. 1501 et seq.~~ **including**  
28 **reauthorizations of the Act**, and other applicable federal laws;  
29 and

30 (2) the plan prepared by the department under subsection (g)(1).  
31 ~~However, the Indiana commission on vocational and technical~~  
32 ~~education within the department of workforce development shall~~  
33 ~~distribute federal funds received under 29 U.S.C. 1533.~~

34 (g) In addition to the duties prescribed in subsections (a) through (f),  
35 the department of workforce development shall do the following:

36 (1) Implement to the best of its ability its employment training  
37 programs ~~(as defined in IC 22-4.1-13-3)~~ **and** the comprehensive  
38 vocational education program in Indiana developed under the  
39 long range plan under ~~IC 22-4.1-13-9~~ **and the skills 2016 training**  
40 **program established under IC 22-4-10.5. IC 22-4.1-13.**

41 (2) Upon request of the budget director, prepare a legislative  
42 budget request for state and federal funds for employment

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1 training. The budget director shall determine the period to be  
2 covered by the budget request.

3 (3) Evaluate its programs according to criteria established by the  
4 Indiana commission on vocational and technical education within  
5 the department of workforce development under ~~IC 22-4.1-13-13~~  
6 **IC 22-4.1-13.**

7 (4) Make or cause to be made studies of the needs for various  
8 types of programs that are related to employment training and  
9 authorized under the Workforce Investment Act, ~~and the Job~~  
10 ~~Training Partnership Act~~ **including reauthorizations of the Act.**

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

14 (A) the general assembly appropriation; and

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

16 (6) Establish, implement, and maintain a training program in the  
17 nature and dynamics of domestic and family violence for training  
18 of all employees of the department who interact with a claimant  
19 for benefits to determine whether the claim of the individual for  
20 unemployment benefits is valid and to determine that employment  
21 separations stemming from domestic or family violence are  
22 reliably screened, identified, and adjudicated and that victims of  
23 domestic or family violence are able to take advantage of the full  
24 range of job services provided by the department. The training  
25 presenters shall include domestic violence experts with expertise  
26 in the delivery of direct services to victims of domestic violence,  
27 including using the staff of shelters for battered women in the  
28 presentation of the training. The initial training shall consist of  
29 instruction of not less than ~~six (6)~~ **three (3)** hours. Refresher  
30 training shall be required ~~annually every two (2) years~~ and shall  
31 consist of instruction of not less than ~~three (3) hours~~ **one (1) hour.**

32 SECTION 7. IC 22-4-18-6, AS AMENDED BY P.L.127-2005,  
33 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 UPON PASSAGE]: Sec. 6. (a) The department shall develop a uniform  
35 system for assessing workforce skills strengths and weaknesses in  
36 individuals.

37 (b) The uniform assessment system shall be used at the following:

38 (1) ~~Workforce development One stop~~ **centers** under IC 22-4-42,  
39 if established.

40 (2) ~~Ivy Tech Community College of Indiana~~ under IC 20-12-61.  
41 (3) **(2)** Vocational education (as defined in IC 22-4.1-13-5)  
42 programs at the secondary level.

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1 SECTION 8. IC 22-4-18.1-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this  
3 chapter, "council" refers to the state ~~human resource investment~~  
4 **workforce innovation** council established by section 3 of this chapter.

5 SECTION 9. IC 22-4-18.1-3 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The state ~~human~~  
7 **resource investment workforce innovation** council is established  
8 ~~pursuant to 29 U.S.C. 1501 et seq.~~ **under the applicable federal**  
9 **programs** to do the following:

10 (1) Review the services and use of funds and resources under  
11 applicable federal programs and advise the governor on methods  
12 of coordinating the services and use of funds and resources  
13 consistent with the laws and regulations governing the particular  
14 applicable federal programs.

15 (2) Advise the governor on:  
16 (A) the development and implementation of state and local  
17 standards and measures; and  
18 (B) the coordination of the standards and measures;  
19 concerning the applicable federal programs.

20 (3) Perform the duties as set forth in federal law of the particular  
21 advisory bodies for applicable federal programs described in  
22 section 4 of this chapter.

23 (4) Identify the ~~human investment workforce~~ needs in Indiana  
24 and recommend to the governor goals to meet the investment  
25 needs.

26 (5) Recommend to the governor goals for the development and  
27 coordination of the human resource system in Indiana.

28 (6) Prepare and recommend to the governor a strategic plan to  
29 accomplish the goals developed under subdivisions (4) and (5).

30 (7) Monitor the implementation of and evaluate the effectiveness  
31 of the strategic plan described in subdivision (6).

32 (8) Advise the governor on the coordination of federal, state, and  
33 local education and training programs and on the allocation of  
34 state and federal funds in Indiana to promote effective services,  
35 service delivery, and innovative programs.

36 (9) Administer the minority training grant program established by  
37 section 11 of this chapter.

38 (10) Administer the back home in Indiana program established by  
39 section 12 of this chapter.

40 (11) Any other function assigned to the council by the governor  
41 with regard to the study and evaluation of Indiana's ~~human service~~  
42 **workforce development** delivery system.

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1 SECTION 10. IC 22-4-18.1-4 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The council  
 3 shall serve as the state advisory body required under the following  
 4 federal laws:

- 5 (1) The Workforce Investment Act of 1998 under 29 U.S.C. 2801  
 6 et seq., **including reauthorizations of the Act.**  
 7 (2) The Wagner-Peyser Act under 29 U.S.C. 49 et seq.  
 8 (3) The Carl D. Perkins Vocational and Applied Technology Act  
 9 under 20 U.S.C. 2301 et seq.  
 10 (4) The Adult Education and Family Literacy Act under 20 U.S.C.  
 11 9201 et seq.

12 (b) In addition, the council may be designated to serve as the state  
 13 advisory body required under any of the following federal laws upon  
 14 approval of the particular state agency directed to administer the  
 15 particular federal law:

- 16 (1) The National and Community Service Act of 1990 under 42  
 17 U.S.C. 12501 et seq.  
 18 (2) Part A of Title IV of the Social Security Act under 42 U.S.C.  
 19 601 et seq.  
 20 (3) The employment and training ~~program~~ **programs** established  
 21 under:

- 22 **(A) the Food Stamp Act of 1977 under ~~7 U.S.C. 2015~~ 7 U.S.C.**  
 23 **2011 et seq.; and**  
 24 **(B) the Temporary Assistance for Needy Families program**  
 25 **under 42 U.S.C. 601 et seq.**

26 (c) The council shall administer the minority training grant program  
 27 established by section 11 of this chapter and the back home in Indiana  
 28 program established by section 12 of this chapter.

29 SECTION 11. IC 22-4-18.1-5 IS AMENDED TO READ AS  
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) ~~Not later than~~  
 31 ~~June 30, 2000~~ The membership of the state ~~human resource investment~~  
 32 **workforce innovation** council established under ~~IC 22-4-18.1~~ **must**  
 33 **consist section 3 of this chapter consists** of the following:

- 34 (1) ~~The governor.~~  
 35 (2) ~~Two~~ (2) members of the senate; appointed by the president pro  
 36 ~~tempore of the senate. The members appointed under this~~  
 37 ~~subdivision may not be members of the same political party.~~  
 38 (3) ~~Two~~ (2) members of the house of representatives; appointed  
 39 ~~by the speaker of the house of representatives. The members~~  
 40 ~~appointed under this subdivision may not be members of the same~~  
 41 ~~political party.~~  
 42 (4) The following members appointed by the governor:

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- (A) Representatives of business in Indiana who:
  - (i) are owners of businesses, chief executives, or operating officers of businesses; and other business executives or employers with optimum policy making or hiring authority, including members of regional boards under IC 22-4.5-3-3(b)(1)(A) (as described in Section 117(b)(2)(A)(i) of the Workforce Investment Act of 1998);
  - (ii) represent businesses with employment opportunities that reflect the employment opportunities of Indiana; and
  - (iii) are appointed from among individuals nominated by state business organizations and business trade associations.
- (B) Chief elected officials representing municipalities and counties.
- (C) Representatives of labor organizations who have been nominated by the Indiana State AFL-CIO.
- (D) Representatives of individuals and organizations that have experience with respect to youth activities.
- (E) Representatives of individuals and organizations that have experience and expertise in the delivery of workforce investment activities, including chief executive officers of any community colleges established in Indiana and community-based organizations in Indiana.
- (F) Lead state officials with responsibility for the programs, services, and activities described in Section 121(b) of the Workforce Investment Act of 1998 and carried out by one stop partners or, if there is no lead state official with responsibility for such a program, service, or activity, a person with expertise relating to the program, service, or activity.
- (G) Other representatives and state officials designated by the governor.

- (b) The governor shall appoint as chairman of the council a member described in subsection (a)(4)(A).
  - (c) A majority of the members of the council must be members described in subsection (a)(4)(A).
  - (d) At least fifteen percent (15%) of the members of the council must be representatives of labor.
  - (e) Members of the council that represent organizations, agencies, or other entities shall be individuals with optimum policy making authority within the organizations, agencies, or entities. The members of the council must represent diverse regions of Indiana, including urban, rural, and suburban areas.
- the representatives required by the Workforce Investment Act (29**

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1 **U.S.C. 2801 et seq.), including reauthorizations of the Act, and**  
2 **must represent the diverse regions of Indiana.**

3 SECTION 12. IC 22-4-18.1-6 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~Appointments~~  
5 **(a) The governor shall appoint members** to the council ~~are~~ for two  
6 (2) year terms. **The terms must be staggered so that the terms of**  
7 **half of the members expire each year.**

8 **(b)** The governor shall promptly make an appointment to fill any  
9 vacancy **on the council**, but only for the duration of the unexpired  
10 term.

11 SECTION 13. IC 22-4-18.1-7 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as  
13 provided in ~~subsections subsection~~ **(b) and (c)** and subject to the  
14 approval of the commissioner of **the department of** workforce  
15 development, the state personnel department, and the budget agency,  
16 the council may employ professional, technical, and clerical personnel  
17 necessary to carry out the duties imposed by this chapter ~~from using~~  
18 **the following:**

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

25 **(b)** Subject to the approval of the commissioner of **the department**  
26 **of** workforce development and the budget agency, the council may  
27 contract for services necessary to implement this chapter.

28 ~~(c) The budget agency shall serve as the fiscal agent for the~~  
29 ~~distribution of all funds of the council.~~

30 SECTION 14. IC 22-4-35-1 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. In any civil  
32 action to enforce the provisions of this article, the department,  
33 commissioner, state ~~human resource investment~~ **workforce innovation**  
34 council, unemployment insurance board, unemployment insurance  
35 review board, and the state may be represented by any qualified  
36 attorney who is a regular salaried employee of the department and is  
37 designated by it for this purpose or, at the director's request, by the  
38 attorney general of the state. In case the governor designates special  
39 counsel to defend, on behalf of the state, the validity of this article, the  
40 expenses and compensation of such special counsel and of any experts  
41 employed by the commissioner in connection with such proceedings  
42 may be charged to the employment and training services administration

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1 fund.

2 SECTION 15. IC 22-4-41-4 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Any  
4 appropriations made by the general assembly **under this chapter** shall  
5 be used for the provision of training and services for dislocated workers  
6 and may be used as matching funds for ~~the federal Job Training~~  
7 ~~Partnership Act.~~ **any future applicable federal program.**

8 SECTION 16. IC 22-4-42-1 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The department  
10 may establish at least one (1) ~~workforce development one stop~~ center  
11 within each ~~workforce~~ service ~~delivery~~ area.

12 SECTION 17. IC 22-4-42-2 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If established,  
14 each ~~workforce development one stop~~ center shall do the following:

15 (1) Provide the uniform assessment developed by the department  
16 under IC 22-4-18-6 of an individual's strengths and weaknesses  
17 with regard to workforce and other skills and offer job counseling  
18 that is relevant to the assessment results.

19 (2) Provide information concerning training, retraining,  
20 employment, and career opportunities.

21 ~~(3) Under the administration of the department of workforce~~  
22 ~~development, provide opportunities to individuals to:~~

23 ~~(A) demonstrate proficiency in particular subject and skill~~  
24 ~~areas; and~~

25 ~~(B) acquire certificates of achievement under IC 20-12-1-10.~~

26 ~~(4)~~ (3) Assist employers in analyzing the correlation between a  
27 particular job opening and the training required to perform at that  
28 job.

29 SECTION 18. IC 22-4.1-3-4 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Funds necessary  
31 to support the operating costs of the department of workforce  
32 development beyond those approved and appropriated by the United  
33 States Congress or approved by federal agencies for the operation of  
34 the department and specifically authorized by other provisions of  
35 IC 22-4:

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

38 (2) may not be derived from other state or federal funds directed  
39 for unemployment insurance programs under IC 22-4, including  
40 funds under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), ~~the Job~~  
41 ~~Training Partnership Act (29 U.S.C. 1501 et seq.)~~ any other grants  
42 or funds that are passed through for job training programs, the

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1 Carl D. Perkins Vocational and Applied Technology Act (20  
2 U.S.C. 2301 et seq.), and any other grant or funds for vocational  
3 and technical education.

4 SECTION 19. IC 22-4.1-5-4 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. This chapter  
6 does not apply to grants awarded to:

- 7 (1) ~~service delivery areas (as defined in 29 U.S.C. 1501 et seq.);~~  
8 **workforce investment boards (as defined in IC 22-4.5-2-13.5);**
- 9 (2) public schools and school corporations (as defined in  
10 ~~IC 20-10.1-1-5); IC 20-18-2;~~ or
- 11 (3) state educational institutions (as defined in IC 20-12-0.5-1).

12 SECTION 20. IC 22-4.1-13-2, AS ADDED BY P.L.1-2005,  
13 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 UPON PASSAGE]: Sec. 2. As used in this chapter, "council" refers to  
15 the state ~~human resource investment~~ **workforce innovation** council  
16 established by IC 22-4-18.1-3.

17 SECTION 21. IC 22-4.1-13-3, AS ADDED BY P.L.1-2005,  
18 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 UPON PASSAGE]: Sec. 3. As used in this chapter, "employment  
20 training" means all programs administered by the following:

- 21 (1) The council.
- 22 (2) The Indiana jobs training program.
- 23 (3) The department.
- 24 (4) ~~A private industry council (as defined in 29 U.S.C. 1501 et~~  
25 ~~seq.);~~

26 SECTION 22. IC 22-4.5-2-2.5 IS ADDED TO THE INDIANA  
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
28 [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. "Corporation" refers to**  
29 **the Indiana economic development corporation established by**  
30 **IC 5-28-3-1.**

31 SECTION 23. IC 22-4.5-2-5.5 IS ADDED TO THE INDIANA  
32 CODE AS A **NEW** SECTION TO RED AS FOLLOWS [EFFECTIVE  
33 UPON PASSAGE]: **Sec. 5.5. "Local elected official" means:**

- 34 (1) **an elected executive of a city that has a population of at**  
35 **least five thousand (5,000); or**
- 36 (2) **an elected member of the executive body of a county.**

37 SECTION 24. IC 22-4.5-2-6 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. "One stop  
39 center" means a ~~physical~~ location that:

- 40 (1) provides access to all one stop services; ~~and one stop partners~~
- 41 (2) is certified by the ~~regional~~ **state** board; and
- 42 (3) includes an ~~onsite~~ information resource area that meets

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1           minimum criteria established by the department.

2           SECTION 25. IC 22-4.5-2-8.5 IS ADDED TO THE INDIANA

3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

4 [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. "Political subdivision"**

5 **has the meaning set forth in IC 36-1-2-13.**

6           SECTION 26. IC 22-4.5-2-9.3 IS ADDED TO THE INDIANA

7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

8 [EFFECTIVE UPON PASSAGE]: **Sec. 9.3. "Regional operator"**

9 **means a person selected under IC 22-4.5-7-5.**

10          SECTION 27. IC 22-4.5-2-9.5 IS ADDED TO THE INDIANA

11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

12 [EFFECTIVE UPON PASSAGE]: **Sec. 9.5. "Regional workforce**

13 **area" means an area designated by the corporation under**

14 **IC 22-4.5-7-1.**

15          SECTION 28. IC 22-4.5-2-9.7 IS ADDED TO THE INDIANA

16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

17 [EFFECTIVE UPON PASSAGE]: **Sec. 9.7. "Regional workforce**

18 **board" means a regional workforce board established under**

19 **IC 22-4.5-7-2.**

20          SECTION 29. IC 22-4.5-2-13 IS AMENDED TO READ AS

21 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. "Workforce**

22 **Investment Act" refers to the federal Workforce Investment Act of**

23 **1998 (29 U.S.C. 2801 et seq.), including reauthorizations of the Act.**

24          SECTION 30. IC 22-4.5-2-13.5 IS ADDED TO THE INDIANA

25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

26 [EFFECTIVE UPON PASSAGE]: **Sec. 13.5. "Workforce investment**

27 **board" means a local board as defined in the Workforce**

28 **Investment Act (29 U.S.C. 2801 et seq.), including reauthorizations**

29 **of the Act.**

30          SECTION 31. IC 22-4.5-7 IS ADDED TO THE INDIANA CODE

31 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

32 UPON PASSAGE]:

33           **Chapter 7. Regional Workforce System**

34           **Sec. 1. (a) After consultation with the department, the**

35 **corporation shall designate not more than eleven (11) distinct**

36 **regional workforce areas throughout Indiana.**

37           **(b) In designating a regional workforce area, the corporation**

38 **shall take into account whether an area is a distinct economic**

39 **growth service area as well a workforce development area.**

40           **Sec. 2. (a) A regional workforce board shall oversee each**

41 **regional workforce area.**

42           **(b) Each regional workforce board consists of not more than**

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sixteen (16) members and must include the following:

- (1) At least one (1) business representative who is:
  - (A) a business owner;
  - (B) a chief executive or operating officer; or
  - (C) a business executive or employer with optimum policy making or hiring authority.
- (2) Four (4) nonbusiness representatives, one (1) from each of the following categories:
  - (A) An economic development agency.
  - (B) A local educational entity.
  - (C) A community based organization.
  - (D) A labor organization. If there are no employees in the regional workforce area who are represented by a labor organization, the member selected in this category must be a representative of the employees in the regional workforce area.

(c) The nonbusiness representatives described in subsection (b)(2) are selected and appointed as members of each regional workforce board in the following manner:

- (1) The mayor of the largest city in the regional workforce area shall select and appoint one (1) member from any of the four (4) categories listed in subsection (b)(2).
- (2) If the second largest city in the regional workforce area has a population greater than eight thousand (8,000), the mayor of the second largest city shall select and appoint one (1) member from any of the three (3) remaining categories listed in subsection (b)(2).
- (3) If the third largest city in the regional workforce area has a population greater than eight thousand (8,000), the mayor of the third largest city shall select and appoint one (1) member from either of the two (2) remaining categories listed in subsection (b)(2).
- (4) If the fourth largest city in the regional workforce area has a population greater than eight thousand (8,000), the mayor of the fourth largest city shall select and appoint one (1) member from the remaining category listed in subsection (b)(2).

(d) If a regional workforce area contains fewer than four (4) cities having a population greater than eight thousand (8,000), the selection and appointment of the nonbusiness representatives as members to a regional workforce board occurs as described in subsection (c) with the mayors of the cities having a population

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1 greater than eight thousand (8,000) alternately selecting and  
2 appointing the members.

3 (e) The business representatives described in subsection (b)(1)  
4 are selected and appointed as members of each regional workforce  
5 board in the following manner:

6 (1) All of the local elected officials in the regional workforce  
7 area shall appoint, by majority agreement, one (1) business  
8 representative who meets the requirements of subsection  
9 (b)(1).

10 (2) The mayor of each city having a population greater than  
11 five hundred thousand (500,000) in the regional workforce  
12 area shall appoint one (1) additional business representative  
13 who meets the requirements of subsection (b)(1).

14 (3) The mayor of each city having a population greater than  
15 one hundred thousand (100,000) in the regional workforce  
16 area shall appoint one (1) additional business representative  
17 who meets the requirements of subsection (b)(1).

18 (f) If the selection and appointment process described in  
19 subsections (c) through (e) results in fewer than sixteen (16)  
20 members being appointed to a regional workforce board, the local  
21 elected officials in the regional workforce area may, by majority  
22 agreement, appoint additional business representatives who meet  
23 the requirements of subsection (b)(1) until the sixteen (16) member  
24 limit is reached.

25 (g) If a political subdivision requests and is granted an  
26 automatic designation as a workforce investment board under  
27 federal law, the executive of the political subdivision may not  
28 appoint members to a regional workforce board under subsections  
29 (c) through (f).

30 Sec. 3. The duties of a regional workforce board include the  
31 following:

32 (1) Providing guidance and direction to the workforce  
33 investment system.

34 (2) Providing support and guidance described in section 4 of  
35 this chapter to a workforce investment board.

36 (3) Performing additional duties in the regional workforce  
37 area as assigned by a workforce investment board.

38 Sec. 4. In addition to the duties described in section 3 of this  
39 chapter, each regional workforce board shall advise the workforce  
40 investment board in the regional workforce area on regional  
41 workforce area issues and provide support to the workforce  
42 investment board as follows:

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- 1 (1) Assist in the selection of a regional operator at least every
- 2 three (3) years using a competitive procurement process.
- 3 (2) Assist in the selection of Workforce Investment Act
- 4 services, other employment and training services as
- 5 determined by the department, and service providers at least
- 6 every three (3) years using a competitive procurement
- 7 process.
- 8 (3) Assist in the oversight of the activities of the regional
- 9 operator in the regional workforce area.
- 10 (4) Assist in the development of outcome based regional plans
- 11 that encourage the integration of service delivery.
- 12 (5) Perform additional duties as requested by the workforce
- 13 investment board.

14 **Sec. 5. (a) A workforce investment board or its designee must**  
 15 **comply with this section when selecting a regional operator to**  
 16 **provide:**

- 17 (1) support services for a regional workforce area; and
- 18 (2) operational oversight and management for:
  - 19 (A) the one stop centers; and
  - 20 (B) the workforce investment system;
- 21 in a regional workforce area.

22 (b) A regional workforce board, with the consent of a workforce  
 23 investment board, may establish agreements with a regional  
 24 operator for support services on behalf of the workforce  
 25 investment board in the regional workforce area.

26 (c) A regional workforce board may assist a workforce  
 27 investment board in establishing agreements with a regional  
 28 operator for support services for the workforce investment board  
 29 in the regional workforce area.

30 (d) An agreement established under this section must be the  
 31 result of a competitive procurement process as determined by the  
 32 workforce investment board.

33 **Sec. 6. A person may not:**

- 34 (1) provide direct client services to Workforce Investment Act
- 35 clients or act as a service provider or regional operator; and
- 36 (2) serve as a regional workforce board member, regional
- 37 operator, or fiscal agent of regional workforce board;
- 38 in the same regional workforce area at the same time.

39 **Sec. 7. The department may adopt rules under IC 4-22-2 to**  
 40 **implement this chapter.**

41 SECTION 32. IC 22-4.5-8 IS ADDED TO THE INDIANA CODE  
 42 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]:

2 **Chapter 8. Allocation of Funds to Regional Workforce Boards**

3 **Sec. 1. To the extent possible and as applicable, the department**  
4 **and the council shall allocate federal workforce development and**  
5 **employment and training services funds to the workforce**  
6 **investment boards for distribution to the regional workforce**  
7 **boards in accordance with the requirements of federal workforce**  
8 **development and employment and training law.**

9 SECTION 33. THE FOLLOWING ARE REPEALED [EFFECTIVE  
10 UPON PASSAGE]: IC 22-4-40; IC 22-4-41-3; IC 22-4-42-3;  
11 IC 22-4-42-4; IC 22-4.5-2-2; IC 22-4.5-2-7; IC 22-4.5-2-8;  
12 IC 22-4.5-2-9; IC 22-4.5-2-10; IC 22-4.5-2-11; IC 22-4.5-2-12;  
13 IC 22-4.5-2-14; IC 22-4.5-3; IC 22-4.5-4; IC 22-4.5-5; IC 22-4.5-6.

14 SECTION 34. [EFFECTIVE UPON PASSAGE] (a)  
15 **Notwithstanding IC 22-4.5-7-7, as added by this act, the**  
16 **commissioner of the department of workforce development shall**  
17 **carry out the duties imposed upon the department of workforce**  
18 **development under IC 22-4.5-7, as added by this act, under interim**  
19 **written guidelines approved by the commissioner of the**  
20 **department of workforce development.**

- 21 (b) This SECTION expires on the earlier of the following:  
22 (1) The date rules are adopted under IC 22-4.5-7-7, as added  
23 by this act.  
24 (2) July 1, 2007.

25 SECTION 35. An emergency is declared for this act.

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