



Reprinted
January 28, 2004

SENATE BILL No. 4

DIGEST OF SB 4 (Updated January 27, 2004 3:11 pm - DI 75)

Citations Affected: IC 5-22; noncode.

Synopsis: Award of state contracts. Provides that a contract for services entered into by a state agency after June 30, 2004 must require that: (1) all work under the contract must be performed in the United States; and (2) the contractor must file with the contracting agency an affidavit that the contractor has in its files an employment eligibility verification form required by the Immigration Reform and Control Act of 1986 for each individual that will be employed in the performance of the contract. Requires the department of administration to adopt rules to implement the requirement. Provides that a state agency may not enter into a contract for services until the rules or (interim written guidelines) are adopted.

Effective: June 30, 2004; July 1, 2004.

Drozda, Antich

November 18, 2003, read first time and referred to Committee on Economic Development and Technology.
January 13, 2004, amended, reported favorably — Do Pass.
January 27, 2004, read second time, amended, ordered engrossed.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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SENATE BILL No. 4

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

- 1 SECTION 1. IC 5-22-17-15 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 15. (a) This section does not apply to either of the**
4 **following:**
5 (1) **A contract for supplies.**
6 (2) **A contract entered into before July 1, 2004.**
7 (b) **A contract for services entered into by a state agency must**
8 **require both of the following:**
9 (1) **The contractor must file with the contracting agency an**
10 **affidavit affirming under the penalties for perjury that the**
11 **contractor has in its files an employment eligibility**
12 **verification form required by the Immigration Reform and**
13 **Control Act of 1986 (8 U.S.C. 1324a) for each individual that**
14 **will be employed in the performance of the contract. The**
15 **contractor must file a new affidavit with the contracting**
16 **agency any time the contractor assigns an employee who has**
17 **not previously worked under the contract to work under the**



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contract.

(2) All work done under the contract must be performed in the United States.

(c) The Indiana department of administration shall adopt rules under IC 4-22-2 to implement this section. A state agency may not enter into a contract for services before the department adopts the rules required by this subsection.

(d) The attorney general may not approve a contract for services if an affidavit required by subsection (b)(1) is not included as part of the contract documents.

SECTION 2. [EFFECTIVE JUNE 30, 2004] (a) The definitions in IC 5-22-2 apply throughout this SECTION.

(b) Notwithstanding IC 5-22-17-15(c), as added by this act, the Indiana department of administration shall implement IC 5-22-17-15, as added by this act, under interim written guidelines approved by the commissioner of the Indiana department of administration. A state agency may not enter into a contract for services until the commissioner approves interim written guidelines under this subsection.

(c) This SECTION expires on the earlier of the following:

(1) The date rules required by IC 5-22-17-15, as added by this act, are adopted under IC 4-22-2.

(2) July 1, 2006.

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SENATE MOTION

Madam President: I move that Senator Antich be added as second author of Senate Bill 4.

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COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill No. 4, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "specify that only:" and insert "**require both of the following:**

(1) All individuals employed in the performance of the contract must provide both of the following to the contracting agency:

(A) A copy of the individual's valid Social Security card showing the individual's Social Security number.

(B) A background check that verifies that the Social Security number provided under clause (A) is in fact the individual's valid Social Security number.

(2) All work done under the contract must be performed in the United States."

Page 1, delete lines 5 through 8.

and when so amended that said bill do pass.

(Reference is to SB 4 as introduced.)

FORD, Chairperson

Committee Vote: Yeas 5, Nays 1.

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SENATE MOTION

Madam President: I move that Senate Bill 4 be amended to read as follows:

Page 1, line 3, after "15." insert **"(a) This section does not apply to either of the following:**

(1) A contract for supplies.

(2) A contract entered into before July 1, 2004.

(b)".

Page 1, delete lines 5 through 12, begin a new line block indented and insert:

"(1) The contractor must file with the contracting agency an affidavit affirming under the penalties for perjury that the contractor has in its files an employment eligibility verification form required by the Immigration Reform and Control Act of 1986 (8 U.S.C. 1324a) for each individual that will be employed in the performance of the contract. The contractor must file a new affidavit with the contracting agency any time the contractor assigns an employee who has not previously worked under the contract to work under the contract."

Page 1, after line 14, begin a new paragraph and insert:

"(c) The Indiana department of administration shall adopt rules under IC 4-22-2 to implement this section. A state agency may not enter into a contract for services before the department adopts the rules required by this subsection.

(d) The attorney general may not approve a contract for services if an affidavit required by subsection (b)(1) is not included as part of the contract documents.

SECTION 2. [EFFECTIVE JUNE 30, 2004] (a) The definitions in IC 5-22-2 apply throughout this SECTION.

(b) Notwithstanding IC 5-22-17-15(c), as added by this act, the Indiana department of administration shall implement IC 5-22-17-15, as added by this act, under interim written guidelines approved by the commissioner of the Indiana department of administration. A state agency may not enter into a contract for services until the commissioner approves interim written guidelines under this subsection.

(c) This SECTION expires on the earlier of the following:

(1) The date rules required by IC 5-22-17-15, as added by this act, are adopted under IC 4-22-2.

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(2) July 1, 2006."

(Reference is to SB 4 as printed January 14, 2004.)

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