
HOUSE BILL No. 1103

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13-1-16.5; IC 4-13.6-6-2.8; IC 5-16-1-7.5; IC 8-10-1-7.7; IC 8-23-9-4.6; IC 36-1-12-5.5.

Synopsis: Indiana worker preference on public works projects. Establishes the goal that public works contracts be awarded to a contractor that: (1) employs residents of Indiana as at least 80% of the employees working on the contract; and (2) enters into subcontracts with subcontractors that employ residents of Indiana as at least 80% of the employees working on the contract. Applies this goal to contracts entered into by the public works division of the department of administration, any state agency or commission entering into a public works contract, the commission governing the ports of Indiana, the department of transportation, and units of local government. Provides that if a contractor cannot meet the goal's standards for contractors, the contractor must provide information as to why the contractor cannot meet the standards. Requires the commissioner of the department of administration to prepare an annual report for the public and the legislative council stating, for the contractors awarded public works contracts by the state and the subcontractors with which these contractors entered into subcontracts, the percentage of the contractors' and subcontractors' employees working on the public works contracts who are residents of Indiana.

Effective: July 1, 2009.

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January 8, 2009, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1103



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

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

1 SECTION 1. IC 4-13-1-16.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 16.5. (a) As used in this section, "covered
4 transaction" means the award of a contract under:**

- 5 (1) IC 4-13.6-6-2.8;
- 6 (2) IC 5-16-1-7.5;
- 7 (3) IC 8-10-1-7.7; or
- 8 (4) IC 8-23-9-4.6.

9 (b) As used in this section, "resident of Indiana" means a person
10 who:

- 11 (1) is at least eighteen (18) years of age; and
- 12 (2) resides in Indiana for at least thirty (30) days before the
13 date the person begins working on a contract awarded in a
14 covered transaction or a subcontract entered into under a
15 contract.

16 (c) Beginning September 30, 2010, before October 1 of each
17 year, the commissioner shall compile, make available for public



1 inspection, and submit to the legislative council a report for the
2 preceding state fiscal year stating:

3 (1) for the contractors awarded contracts in covered
4 transactions; and

5 (2) for the subcontractors with which the contractor referred
6 to in subdivision (1) enter into subcontracts in connection with
7 contracts awarded in covered transactions;

8 the percentage of the employees of the contractors and
9 subcontractors who work on the contracts and are residents of
10 Indiana. The report to the legislative council must be in an
11 electronic format under IC 5-14-6.

12 SECTION 2. IC 4-13.6-6-2.8 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2009]: Sec. 2.8. (a) As used in this section,
15 "resident of Indiana" means an individual who:

16 (1) is at least eighteen (18) years of age; and

17 (2) resides in Indiana for at least thirty (30) days before the
18 date the individual begins working on a contract or a
19 subcontract entered into under a contract.

20 (b) When entering a bid under this chapter, each contractor
21 shall provide the division with information on the number of
22 residents of Indiana who will be employed by the contractor and
23 the number of residents of Indiana who will be employed by any
24 subcontractor of the contractor.

25 (c) It is the goal of the state to award contracts to contractors
26 who:

27 (1) employ residents of Indiana as at least eighty percent
28 (80%) of the employees who work on the contract; and

29 (2) enter into subcontracts with subcontractors who employ
30 residents of Indiana as at least eighty percent (80%) of the
31 employees who work on the subcontract.

32 (d) If a contractor that has entered a bid under this chapter
33 cannot meet the standards set forth in subsection (c)(1) and (c)(2),
34 the contractor must provide the division with information as to
35 why the contractor cannot meet the standards set forth in
36 subsection (c)(1) and (c)(2).

37 (e) Beginning June 30, 2010, before August 15 of each year, the
38 division shall file with the commissioner a report for the preceding
39 year stating:

40 (1) for each contractor awarded a contract under this
41 chapter; and

42 (2) for each subcontractor with which a contractor referred

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1 to in subdivision (1) enters into a contract in connection with
2 a contract awarded under this chapter;
3 the percentage of the employees of the contractor or subcontractor
4 who work on the contract and are residents of Indiana.

5 SECTION 3. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE
6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2009]: Sec. 7.5. (a) As used in this section, "resident of Indiana"
8 means an individual who:

- 9 (1) is at least eighteen (18) years of age; and
- 10 (2) resides in Indiana for at least thirty (30) days before the
- 11 date the individual begins working on a contract entered into
- 12 under this chapter or a subcontract entered into under a
- 13 contract entered into under this chapter.

14 (b) When entering into a contract under this chapter, each
15 contractor shall provide the state or commission with information
16 on the number of residents of Indiana who will be employed by the
17 contractor and the number of residents of Indiana who will be
18 employed by any subcontractor of the contractor.

19 (c) It is the goal of the state to award contracts under this
20 chapter to contractors who:

- 21 (1) employ residents of Indiana as at least eighty percent
- 22 (80%) of the employees who work on the contract; and
- 23 (2) enter into subcontracts with subcontractors who employ
- 24 residents of Indiana as at least eighty percent (80%) of the
- 25 employees who work on the subcontract.

26 (d) If a contractor entering into a contract under this chapter
27 cannot meet standards set forth in subsection (c)(1) and (c)(2), the
28 contractor must provide the state or commission with information
29 as to why the contractor cannot meet the standards set forth in
30 subsection (c)(1) and (c)(2).

31 (e) Beginning June 30, 2010, before August 15 of each year, the
32 state or a commission entering into contracts under this chapter
33 shall file with the commissioner of the Indiana department of
34 administration a report stating:

- 35 (1) for each contractor awarded a contract under this
- 36 chapter; and
- 37 (2) for each subcontractor with which a contractor referred
- 38 to in subdivision (1) enters into a contract in connection with
- 39 a contract awarded under this chapter;

40 the percentage of the employees of the contractor or subcontractor
41 who work on the contract and are residents of Indiana.

42 SECTION 4. IC 8-10-1-7.7 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 2 1, 2009]: **Sec. 7.7. (a) As used in this section, "resident of Indiana"**
 3 **means an individual who:**
 4 (1) **is at least eighteen (18) years of age; and**
 5 (2) **resides in Indiana for at least thirty (30) days before the**
 6 **date the individual begins working on a contract entered into**
 7 **under this chapter or a subcontract entered into under a**
 8 **contract entered into under this chapter.**
 9 (b) **When entering into a contract under this chapter, each**
 10 **contractor shall provide the commission with information on the**
 11 **number of residents of Indiana who will be employed by the**
 12 **contractor and the number of residents of Indiana who will be**
 13 **employed by any subcontractor of the contractor.**
 14 (c) **It is the goal of the state to award contracts under this**
 15 **chapter to contractors who:**
 16 (1) **employ residents of Indiana as at least eighty percent**
 17 **(80%) of the employees of the contractor who work on the**
 18 **contract; and**
 19 (2) **enter into subcontracts with subcontractors who employ**
 20 **residents of Indiana as at least eighty percent (80%) of the**
 21 **employees who work on the subcontract.**
 22 (d) **If a contractor entering into a contract under this chapter**
 23 **cannot meet the standards set forth in subsection (c)(1) and (c)(2),**
 24 **the contractor must provide the commission with information as**
 25 **to why the contractor cannot meet the standards set forth in**
 26 **subsection (c)(1) and (c)(2).**
 27 (e) **Beginning June 30, 2010, before August 15 of each year, the**
 28 **commission shall file with the commissioner of the Indiana**
 29 **department of administration a report stating:**
 30 (1) **for each contractor awarded a contract under this**
 31 **chapter; and**
 32 (2) **for each subcontractor with which a contractor referred**
 33 **to in subdivision (1) enters into a contract in connection with**
 34 **a contract awarded under this chapter;**
 35 **the percentage of the employees of the contractor or subcontractor**
 36 **who work on the contract and are residents of Indiana.**
 37 SECTION 5. IC 8-23-9-4.6 IS ADDED TO THE INDIANA CODE
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 39 1, 2009]: **Sec. 4.6. (a) As used in this section, "resident of Indiana"**
 40 **means an individual who:**
 41 (1) **is at least eighteen (18) years of age; and**
 42 (2) **resides in Indiana for at least thirty (30) days before the**

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date the individual begins working on a contract entered into under this chapter or a subcontract entered into under a contract entered into under this chapter.

(b) When entering into a contract under this chapter, each contractor shall provide the department with information on the number of residents of Indiana who will be employed by the contractor and the number of residents of Indiana who will be employed by any subcontractor of the contractor.

(c) It is the goal of the state to award contracts under this chapter to contractors who:

(1) employ residents of Indiana as at least eighty percent (80%) of the employees of the contractor who work on the contract; and

(2) enter into subcontracts with subcontractors who employ residents of Indiana as at least eighty percent (80%) of the employees working on the subcontract.

(d) If a contractor entering into a contract under this chapter cannot meet the standards set forth in subsection (c)(1) and (c)(2), the contractor must provide the department with information as to why the contractor cannot meet the standards set forth in subsection (c)(1) and (c)(2).

(e) Beginning June 30, 2010, before August 15 of each year, the department shall file with the commissioner of the Indiana department of administration a report stating:

(1) for each contractor awarded a contract under this chapter; and

(2) for each subcontractor with which a contractor referred to in subdivision (1) enters into a contract in connection with a contract awarded under this chapter;

the percentage of the employees of the contractor or subcontractor who work on the contract and are residents of Indiana.

SECTION 6. IC 36-1-12-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5.5. (a) As used in this section, "resident of Indiana" means an individual who:

(1) is at least eighteen (18) years of age; and

(2) resides in Indiana for at least thirty (30) days before the date the individual begins working on a contract entered into under this chapter or a subcontract entered into under a contract entered into under this chapter.

(b) When entering a bid under this chapter, each contractor shall provide the unit of local government with information on the

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1 **number of residents of Indiana who will be employed by the**
 2 **contractor and the number of residents of Indiana who will be**
 3 **employed by any subcontractor of the contractor.**
 4 **(c) It is the goal of the state to award contracts under this**
 5 **chapter to contractors who:**
 6 **(1) employ residents of Indiana as at least eighty percent**
 7 **(80%) of the employees of the contractor who work on the**
 8 **contract; and**
 9 **(2) enter into subcontracts with subcontractors who employ**
 10 **residents of Indiana as at least eighty percent (80%) of the**
 11 **employees working on the subcontract.**
 12 **(d) If a contractor entering a bid under this chapter cannot meet**
 13 **the standards set forth in subsection (c)(1) and (c)(2), the**
 14 **contractor must provide the unit of local government with**
 15 **information as to why the contractor cannot meet the standards set**
 16 **forth in subsection (c)(1) and (c)(2).**

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