

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1183 be amended to read as follows:

- 1 Page 2, between lines 8 and 9, begin a new paragraph and insert:
- 2 "SECTION 2. IC 4-13.6-6-2.8 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: **Sec. 2.8. (a) As used in this section,**
- 5 **"resident of Indiana" means a person who is at least eighteen (18)**
- 6 **years of age and is one (1) of the following:**
- 7 (1) A person who has registered a motor vehicle in Indiana.
- 8 (2) A person who is registered to vote in Indiana.
- 9 (3) A person who has a child enrolled in an elementary or a
- 10 secondary school located in Indiana.
- 11 (4) A person who derives more than one-half (1/2) of the
- 12 person's gross income (as defined in Section 61 of the Internal
- 13 Revenue Code) from sources in Indiana, according to the
- 14 provisions applicable to determining the source of adjusted
- 15 gross income that are set forth in IC 6-3-2-2. However, a
- 16 person who would otherwise be considered a resident of
- 17 Indiana under this subdivision is not a resident of Indiana if
- 18 a preponderance of the evidence concerning the factors set
- 19 forth in subdivisions (1) through (3) proves that the person is
- 20 not a resident of Indiana.
- 21 (b) Except as provided in subsection (f), a contract for a public
- 22 works project may not be awarded to a contractor who does not:
- 23 (1) employ residents of Indiana as at least eighty percent
- 24 (80%) of the employees who work on the contract; and

- 1 (2) enter into subcontracts only with subcontractors who
- 2 employ residents of Indiana as at least eighty percent (80%)
- 3 of the employees who work on the subcontract.
- 4 (c) Except as provided in subsection (f), before August 15 of
- 5 2012, and each year thereafter, the division shall file with the
- 6 legislative council a report for the preceding year stating:
- 7 (1) for each contractor awarded a contract under this
- 8 chapter; and
- 9 (2) for each subcontractor with which a contractor referred
- 10 to in subdivision (1) enters into a contract in connection with
- 11 a contract awarded under this chapter;
- 12 the percentage of the employees of the contractor or subcontractor
- 13 who work on the contract and are residents of Indiana. The report
- 14 to the legislative council must be in an electronic format under
- 15 IC 5-14-6.
- 16 (d) Except as provided in subsection (f), a contract awarded
- 17 under this chapter for a public works project is terminated if the
- 18 division determines that the contractor has failed to:
- 19 (1) employ residents of Indiana as at least eighty percent
- 20 (80%) of the employees who work on the contract; and
- 21 (2) enter into subcontracts only with subcontractors who
- 22 employ residents of Indiana as at least eighty percent (80%)
- 23 of the employees who work on the subcontract.
- 24 (e) Except as provided in subsection (f), a contractor or
- 25 subcontractor who fails to employ residents of Indiana as at least
- 26 eighty percent (80%) of the employees who work on the contract
- 27 or subcontract commits a Class B infraction for each nonresident
- 28 of Indiana employed in excess of the number of nonresident
- 29 employees permitted by this section.
- 30 (f) If:
- 31 (1) a contract or subcontract subject to this section is funded
- 32 in whole or in part with federal funds; and
- 33 (2) imposing the requirements of this section would cause the
- 34 state to lose the federal funds for the contract, as determined
- 35 by the federal agency providing the funds;
- 36 subsections (b) through (e) do not apply.
- 37 (g) If an agency of the federal government makes a
- 38 determination under subsection (f) that causes a contract to be
- 39 exempted from the requirements of subsections (b) through (e), this
- 40 section is meant to express the view of the general assembly that
- 41 expanding employment opportunities for Indiana residents
- 42 remains a vital part of the state's economy.
- 43 (h) A contract exempted from the requirements of subsections
- 44 (b) through (e) may not reference the employment of Indiana
- 45 residents. The division may not consider the number of
- 46 employment opportunities for Indiana residents when doing any of
- 47 the following with respect to a project subject to a contract that is

1 exempted from the requirements of subsections (b) through (e):

- 2 (1) Issuing a request for proposals.
 3 (2) Issuing a bulletin inviting bids for the contract.
 4 (3) Prequalifying a contractor for the contract.
 5 (4) Evaluating a bid for the contract.

6 (i) This section does not apply to contracts entered into to
 7 perform work:

- 8 (1) resulting from an emergency; or
 9 (2) performed by an artisan or by someone in a speciality area
 10 with limited persons able to perform the work.

11 SECTION 3. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: **Sec. 7.5. (a) As used in this section, "resident of
 14 Indiana" means a person who is at least eighteen (18) years of age
 15 and is one (1) of the following:**

- 16 (1) A person who has registered a motor vehicle in Indiana.
 17 (2) A person who is registered to vote in Indiana.
 18 (3) A person who has a child enrolled in an elementary or a
 19 secondary school located in Indiana.
 20 (4) A person who derives more than one-half (1/2) of the
 21 person's gross income (as defined in Section 61 of the Internal
 22 Revenue Code) from sources in Indiana, according to the
 23 provisions applicable to determining the source of adjusted
 24 gross income that are set forth in IC 6-3-2-2. However, a
 25 person who would otherwise be considered a resident of
 26 Indiana under this subdivision is not a resident of Indiana if
 27 a preponderance of the evidence concerning the factors set
 28 forth in subdivisions (1) through (3) proves that the person is
 29 not a resident of Indiana.

30 (b) Except as provided in subsection (f), a contract for a public
 31 works project under this chapter may not be awarded to a
 32 contractor who does not:

- 33 (1) employ residents of Indiana as at least eighty percent
 34 (80%) of the employees who work on the contract; and
 35 (2) enter into subcontracts only with subcontractors who
 36 employ residents of Indiana as at least eighty percent (80%)
 37 of the employees who work on the subcontract.

38 (c) Except as provided in subsection (f), before August 15 of
 39 2012, and each year thereafter, any state agency entering into
 40 contracts under this chapter shall file with the legislative council
 41 a report stating:

- 42 (1) for each contractor awarded a contract under this
 43 chapter; and
 44 (2) for each subcontractor with which a contractor referred
 45 to in subdivision (1) enters into a contract in connection with
 46 a contract awarded under this chapter;

47 the percentage of the employees of the contractor or subcontractor

1 who work on the contract and are residents of Indiana. The report
2 to the legislative council must be in an electronic format under
3 IC 5-14-6.

4 (d) Except as provided in subsection (f), a contract awarded
5 under this chapter for a public works project is terminated if the
6 state or commission determines that the contractor has failed to:

7 (1) employ residents of Indiana as at least eighty percent
8 (80%) of the employees who work on the contract; and

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

12 (e) Except as provided in subsection (f), a contractor or
13 subcontractor who fails to employ residents of Indiana as at least
14 eighty percent (80%) of the employees who work on the contract
15 or subcontract commits a Class B infraction for each nonresident
16 of Indiana employed in excess of the number of nonresident
17 employees permitted by this section.

18 (f) If:

19 (1) a contract or subcontract subject to this section is funded
20 in whole or in part with federal funds; and

21 (2) imposing the requirements of this section would cause the
22 state to lose the federal funds for the contract, as determined
23 by the federal agency providing the funds;

24 subsections (b) through (e) do not apply.

25 (g) If an agency of the federal government makes a
26 determination under subsection (f) that causes a contract to be
27 exempted from the requirements of subsections (b) through (e), this
28 section is meant to express the view of the general assembly that
29 expanding employment opportunities for Indiana residents
30 remains a vital part of the state's economy.

31 (h) A contract exempted from the requirements of subsections
32 (b) through (e) may not reference the employment of Indiana
33 residents. The state or a commission may not consider the number
34 of employment opportunities for Indiana residents when doing any
35 of the following with respect to a project subject to a contract that
36 is exempted from the requirements of subsections (b) through (e):

37 (1) Issuing a request for proposals.

38 (2) Issuing a bulletin inviting bids for the contract.

39 (3) Prequalifying a contractor for the contract.

40 (4) Evaluating a bid for the contract.

41 (i) This section does not apply to contracts entered into to
42 perform work:

43 (1) resulting from an emergency; or

44 (2) performed by an artisan or by someone in a speciality area
45 with limited persons able to perform the work.".

46 Page 4, after line 1, begin a new paragraph and insert:

47 "SECTION 5. IC 8-10-1-7.7 IS ADDED TO THE INDIANA CODE

1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: **Sec. 7.7. (a) As used in this section, "resident of
3 Indiana" means a person who is at least eighteen (18) years of age
4 and is one (1) of the following:**

- 5 (1) A person who has registered a motor vehicle in Indiana.
- 6 (2) A person who is registered to vote in Indiana.
- 7 (3) A person who has a child enrolled in an elementary or a
8 secondary school located in Indiana.
- 9 (4) A person who derives more than one-half (1/2) of the
10 person's gross income (as defined in Section 61 of the Internal
11 Revenue Code) from sources in Indiana, according to the
12 provisions applicable to determining the source of adjusted
13 gross income that are set forth in IC 6-3-2-2. However, a
14 person who would otherwise be considered a resident of
15 Indiana under this subdivision is not a resident of Indiana if
16 a preponderance of the evidence concerning the factors set
17 forth in subdivisions (1) through (3) proves that the person is
18 not a resident of Indiana.

19 (b) Except as provided in subsection (f), a contract for a public
20 works project under this chapter may not be awarded to a
21 contractor who does not:

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

28 (c) Except as provided in subsection (f), before August 15 of
29 2012, and each year thereafter, the commission shall file with the
30 legislative council a report stating:

- 31 (1) for each contractor awarded a contract under this
32 chapter; and
- 33 (2) for each subcontractor with which a contractor referred
34 to in subdivision (1) enters into a contract in connection with
35 a contract awarded under this chapter;

36 the percentage of the employees of the contractor or subcontractor
37 who work on the contract and are residents of Indiana. The report
38 to the legislative council must be in an electronic format under
39 IC 5-14-6.

40 (d) Except as provided in subsection (f), a contract awarded
41 under this chapter for a public works project is terminated if the
42 commission determines that the contractor has failed to:

- 43 (1) employ residents of Indiana as at least eighty percent
44 (80%) of the employees who work on the contract; and
- 45 (2) enter into subcontracts only with subcontractors who
46 employ residents of Indiana as at least eighty percent (80%)
47 of the employees who work on the subcontract.

1 (e) Except as provided in subsection (f), a contractor or
2 subcontractor who fails to employ residents of Indiana as at least
3 eighty percent (80%) of the employees who work on the contract
4 or subcontract commits a Class B infraction for each nonresident
5 of Indiana employed in excess of the number of nonresident
6 employees permitted by this section.

7 (f) If:

8 (1) a contract or subcontract subject to this section is funded
9 in whole or in part with federal funds; and

10 (2) imposing the requirements of this section would cause the
11 state to lose the federal funds for the contract, as determined
12 by the federal agency providing the funds;

13 subsections (b) through (e) do not apply.

14 (g) If an agency of the federal government makes a
15 determination under subsection (f) that causes a contract to be
16 exempted from the requirements of subsections (b) through (e), this
17 section is meant to express the view of the general assembly that
18 expanding employment opportunities for Indiana residents
19 remains a vital part of the state's economy.

20 (h) A contract exempted from the requirements of subsections
21 (b) through (e) may not reference the employment of Indiana
22 residents. The commission may not consider the number of
23 employment opportunities for Indiana residents when doing any of
24 the following with respect to a project subject to a contract that is
25 exempted from the requirements of subsections (b) through (e):

26 (1) Issuing a request for proposals.

27 (2) Issuing a bulletin inviting bids for the contract.

28 (3) Prequalifying a contractor for the contract.

29 (4) Evaluating a bid for the contract.

30 (i) This section does not apply to contracts entered into to
31 perform work:

32 (1) resulting from an emergency; or

33 (2) performed by an artisan or by someone in a speciality area
34 with limited persons able to perform the work.

35 SECTION 6. IC 8-23-9-4.6 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
37 UPON PASSAGE]: Sec. 4.6. (a) As used in this section, "resident of
38 Indiana" means a person who is at least eighteen (18) years of age
39 and is one (1) of the following:

40 (1) A person who has registered a motor vehicle in Indiana.

41 (2) A person who is registered to vote in Indiana.

42 (3) A person who has a child enrolled in an elementary or a
43 secondary school located in Indiana.

44 (4) A person who derives more than one-half (1/2) of the
45 person's gross income (as defined in Section 61 of the Internal
46 Revenue Code) from sources in Indiana, according to the
47 provisions applicable to determining the source of adjusted

1 gross income that are set forth in IC 6-3-2-2. However, a
2 person who would otherwise be considered a resident of
3 Indiana under this subdivision is not a resident of Indiana if
4 a preponderance of the evidence concerning the factors set
5 forth in subdivisions (1) through (3) proves that the person is
6 not a resident of Indiana.

7 (b) Except as provided in subsection (f), a contract for a public
8 works project under this chapter may not be awarded to a
9 contractor who does not:

10 (1) employ residents of Indiana as at least eighty percent
11 (80%) of the employees of the contractor who work on the
12 contract; and

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

16 (c) Except as provided in subsection (f), before August 15 of
17 2012, and each year thereafter, the department shall file with the
18 legislative council a report stating:

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

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

24 the percentage of the employees of the contractor or subcontractor
25 who work on the contract and are residents of Indiana. The report
26 to the legislative council must be in an electronic format under
27 IC 5-14-6.

28 (d) Except as provided in subsection (f), a contract awarded
29 under this chapter for a public works project is terminated if the
30 department determines that the contractor has failed to:

31 (1) employ residents of Indiana as at least eighty percent
32 (80%) of the employees who work on the contract; and

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

36 (e) Except as provided in subsection (f), a contractor or
37 subcontractor who fails to employ residents of Indiana as at least
38 eighty percent (80%) of the employees who work on the contract
39 or subcontract commits a Class B infraction for each nonresident
40 of Indiana employed in excess of the number of nonresident
41 employees permitted by this section.

42 (f) If:

43 (1) a contract or subcontract subject to this section is funded
44 in whole or in part with federal funds; and

45 (2) imposing the requirements of this section would cause the
46 state to lose the federal funds for the contract, as determined
47 by the federal agency providing the funds;

1 subsections (b) through (e) do not apply.

2 (g) If an agency of the federal government makes a
3 determination under subsection (f) that causes a contract to be
4 exempted from the requirements of subsections (b) through (e), this
5 section is meant to express the view of the general assembly that
6 expanding employment opportunities for Indiana residents
7 remains a vital part of the state's economy.

8 (h) A contract exempted from the requirements of subsections
9 (b) through (e) may not reference the employment of Indiana
10 residents. The department may not consider the number of
11 employment opportunities for Indiana residents when doing any of
12 the following with respect to a project subject to a contract that is
13 exempted from the requirements of subsections (b) through (e):

- 14 (1) Issuing a request for proposals.
- 15 (2) Issuing a bulletin inviting bids for the contract.
- 16 (3) Prequalifying a contractor for the contract.
- 17 (4) Evaluating a bid for the contract.

18 (i) This section does not apply to contracts entered into to
19 perform work:

- 20 (1) resulting from an emergency; or
- 21 (2) performed by an artisan or by someone in a speciality area
22 with limited persons able to perform the work.

23 SECTION 7. IC 36-1-12-5.5 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: **Sec. 5.5. (a) As used in this section, "resident of
26 Indiana" means a person who is at least eighteen (18) years of age
27 and is one (1) of the following:**

- 28 (1) A person who has registered a motor vehicle in Indiana.
- 29 (2) A person who is registered to vote in Indiana.
- 30 (3) A person who has a child enrolled in an elementary or a
31 secondary school located in Indiana.
- 32 (4) A person who derives more than one-half (1/2) of the
33 person's gross income (as defined in Section 61 of the Internal
34 Revenue Code) from sources in Indiana, according to the
35 provisions applicable to determining the source of adjusted
36 gross income that are set forth in IC 6-3-2-2. However, a
37 person who would otherwise be considered a resident of
38 Indiana under this subdivision is not a resident of Indiana if
39 a preponderance of the evidence concerning the factors set
40 forth in subdivisions (1) through (3) proves that the person is
41 not a resident of Indiana.

42 (b) Except as provided in subsection (e), a contract for a public
43 works project under this chapter may not be awarded to a
44 contractor who does not:

- 45 (1) employ residents of Indiana as at least eighty percent
46 (80%) of the employees of the contractor who work on the
47 contract; and

- 1 (2) enter into subcontracts only with subcontractors who
2 employ residents of Indiana as at least eighty percent (80%)
3 of the employees working on the subcontract.
- 4 (c) Except as provided in subsection (e), a contract awarded
5 under this chapter for a public works project is terminated if the
6 unit determines that the contractor has failed to:
- 7 (1) employ residents of Indiana as at least eighty percent
8 (80%) of the employees who work on the contract; and
9 (2) enter into subcontracts only with subcontractors who
10 employ residents of Indiana as at least eighty percent (80%)
11 of the employees who work on the subcontract.
- 12 (d) Except as provided in subsection (e), a contractor or
13 subcontractor who fails to employ residents of Indiana as at least
14 eighty percent (80%) of the employees who work on the contract
15 or subcontract commits a Class B infraction for each nonresident
16 of Indiana employed in excess of the number of nonresident
17 employees permitted by this section.
- 18 (e) If:
- 19 (1) a contract or subcontract subject to this section is funded
20 in whole or in part with federal funds; and
21 (2) imposing the requirements of this section would cause the
22 state to lose the federal funds for the contract, as determined
23 by the federal agency providing the funds;
- 24 subsections (b) through (d) do not apply.
- 25 (f) If an agency of the federal government makes a
26 determination under subsection (e) that causes a contract to be
27 exempted from the requirements of subsections (b) through (d),
28 this section is meant to express the view of the general assembly
29 that expanding employment opportunities for Indiana residents
30 remains a vital part of the state's economy.
- 31 (g) A contract exempted from the requirements of subsections
32 (b) through (d) may not reference the employment of Indiana
33 residents. The division may not consider the number of
34 employment opportunities for Indiana residents when doing any of
35 the following with respect to a project subject to a contract that is
36 exempted from the requirements of subsections (b) through (d):
- 37 (1) Issuing a request for proposals.
38 (2) Issuing a bulletin inviting bids for the contract.
39 (3) Prequalifying a contractor for the contract.
40 (4) Evaluating a bid for the contract.
- 41 (h) This section does not apply to contracts entered into to
42 perform work:
- 43 (1) resulting from an emergency; or
44 (2) performed by an artisan or by someone in a speciality area
45 with limited persons able to perform the work.
- 46 SECTION 8. An emergency is declared for this act."
47 Renumber all SECTIONS consecutively.

(Reference is to HB 1183 as printed January 25, 2011.)

Representative Riecken