

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1216 be amended to read as follows:

- 1 Page 3, line 25, strike "one" and insert "**five**".
- 2 Page 3, line 25, reset in roman "hundred".
- 3 Page 3, line 26, reset in roman "thousand dollars".
- 4 Page 3, line 26, delete "million dollars (\$1,000,000)." and insert
- 5 "**(\$500,000)**".
- 6 Page 3, between lines 26 and 27, begin a new paragraph and insert:
- 7 "**(l) This subsection applies to school corporations and state**
- 8 **educational institutions. Notwithstanding any other law and**
- 9 **subsection (k), this chapter does not apply to projects in which the**
- 10 **actual construction costs less than the following:**
- 11 **(1) For contracts awarded after June 30, 2011, and before**
- 12 **July 1, 2012, five hundred thousand dollars (\$500,000).**
- 13 **(2) For contracts awarded after June 30, 2012, and before**
- 14 **July 1, 2013, six hundred thousand dollars (\$600,000).**
- 15 **(3) For contracts awarded after June 30, 2013, and before**
- 16 **July 1, 2014, eight hundred thousand dollars (\$800,000).**
- 17 **(4) For contracts awarded after June 30, 2014, one million**
- 18 **dollars (\$1,000,000)."**
- 19 Page 4, line 7, reset in roman "school corporation,"
- 20 Page 4, line 7, after "any" insert "**or**".
- 21 Page 4, delete lines 17 through 29.
- 22 Page 4, delete lines 34 through 42, begin a new paragraph and
- 23 insert:
- 24 "**Sec. 1. This chapter applies to the plans, specifications, and**

1 contract documents for a public works contract entered into,  
2 awarded, or renewed by a contracting agency after June 30, 2011.

3 Sec. 2. As used in this chapter, "contracting agency" refers to  
4 the agency, board, commission, officer, or trustee that enters into  
5 a public works contract covered by a public works statute.

6 Sec. 3. As used in this chapter, "interested party" includes the  
7 following:

8 (1) A bidder, contractor, or subcontractor for a public works  
9 contract covered by a public works statute.

10 (2) An employee of a bidder, contractor, or subcontractor for  
11 a public works contract covered by a public works statute.

12 (3) A taxpayer of an entity awarding a public works contract  
13 covered by a public works statute.

14 Sec. 4. As used in this chapter, "public works statute" refers to  
15 any of the following:

16 (1) IC 4-13.6.

17 (2) This article.

18 (3) IC 8-10-1-31.

19 (4) IC 8-23-9-59.

20 (5) IC 36-1-12.

21 Sec. 5. (a) This section does not apply if a public question  
22 authorizing a political subdivision to suspend this section is  
23 approved by the voters as provided by another statute.

24 (b) This section does not authorize placing a public question on  
25 the ballot to suspend the provisions of this section.

26 (c) Plans, specifications, and contract documents for a public  
27 works project may not do either of the following:

28 (1) Require a bidder, contractor, or subcontractor to enter  
29 into a collective bargaining agreement with a labor  
30 organization on the same or a related public works project.

31 (2) Require a bidder, contractor, or subcontractor to enter  
32 into or comply with an agreement that requires an employee  
33 of the bidder, contractor, or subcontractor, as a condition of  
34 employment, to do either of the following:

35 (A) Become a member of or become affiliated with a labor  
36 organization.

37 (B) Over the objection of an employee, pay dues or fees to  
38 a labor organization that exceed the employee's share of  
39 the labor organization's costs relating to collective  
40 bargaining, contract administration, or grievance  
41 adjustment.

42 Sec. 6. An interested party has a cause of action to challenge the  
43 award of a public works contract that violates this chapter.

44 Sec. 7. Subject to section 8 of this chapter, an interested party  
45 that prevails in an action under this chapter is entitled to the  
46 following relief:

47 (1) A declaration that the provisions of the public works

1 contract that violate this chapter are void.

2 (2) Costs and attorney's fees.

3 (3) Any other appropriate relief requested by the interested  
4 party.

5 Sec. 8. (a) This chapter does not prohibit an employer or any  
6 other person covered by the federal National Labor Relations Act  
7 from entering into agreements or engaging in any other activity  
8 protected by law. This chapter may not be interpreted to interfere  
9 with the labor relations of persons covered by the federal National  
10 Labor Relations Act.

11 (b) Relief that would interfere with the labor relations of  
12 persons covered by the federal National Labor Relations Act may  
13 not be granted under this chapter.

14 SECTION 5. IC 6-1.1-20-3.9 IS ADDED TO THE INDIANA  
15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2011]: Sec. 3.9. (a) This section applies if a  
17 political subdivision wants authority to use project labor  
18 agreements in the plans, specifications, or contract documents for  
19 any public works project that is part of the controlled project.

20 (b) The definitions in IC 5-16-12 apply in this section.

21 (c) In addition to the question placed on the ballot under section  
22 3.6(c) of this chapter, the following question shall be submitted to  
23 the eligible voters at the election conducted under section 3.6 of this  
24 chapter:

25 "Shall \_\_\_\_\_ (insert the name of the political subdivision)  
26 be authorized to suspend the provisions of IC 5-16-12-5  
27 relating to requirements for collective bargaining and  
28 membership of workers in labor organizations for any public  
29 works projects paid for from the proceeds of the bonds or  
30 lease to finance \_\_\_\_\_ (insert the description of the  
31 controlled project used in the public question stated under  
32 section 3.6(c) of this chapter)?"

33 (d) If a political subdivision submits the public question  
34 described in subsection (c) to the voters, the political subdivision  
35 shall submit to the department of local government finance an  
36 explanation of the effect of suspension of IC 5-16-12-5 that must be  
37 included with the information required to be posted on the  
38 department's Internet web site under section 3.6(k) of this chapter.

39 (e) If a majority of the eligible voters voting on the public  
40 question put to the voters under section 3.6(c) of this chapter vote  
41 in opposition to that public question, the result of the vote on the  
42 public question put to the voters under this section has no effect.

43 (f) If a majority of the eligible voters voting on the public  
44 question put to the voters under subsection (c) vote in opposition  
45 to that public question, the political subdivision may not suspend  
46 the provisions of IC 5-16-12-5 for any public works projects paid  
47 from the proceeds of the bonds or lease.

1           **(g) IC 3 and section 3.6 of this chapter, to the extent not**  
2           **inconsistent with this section, apply to an election held under this**  
3           **section."**

4           Page 5, delete lines 1 through 40.

5           Renumber all SECTIONS consecutively.

(Reference is to HB 1216 as printed February 18, 2011.)

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Representative Davis