

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 441 be amended to read as follows:

- 1 Page 3, between lines 32 and 33, begin a new paragraph and insert:
2 **"(b) The workforce of a state agency may perform a public work**
3 **described in subsection (a) only if:**
4 **(1) the workforce, through demonstrated skills, training, or**
5 **expertise, is capable of performing the public work; and**
6 **(2) for a public work project under subsection (a) whose cost**
7 **is estimated to be more than one hundred thousand dollars**
8 **(\$100,000), the agency shall:**
9 **(A) publish a notice under IC 5-3-1 that:**
10 **(i) describes the public work that the agency intends to**
11 **perform with its own workforce; and**
12 **(ii) sets forth the projected cost of each component of the**
13 **public work as described in subsection (a); and**
14 **(B) determine at a public meeting that it is in the public**
15 **interest to perform the public work with the agency's own**
16 **workforce.**
17 **A public work project performed by an agency's own workforce**
18 **must be inspected and accepted as complete in the same manner as**
19 **a public work project performed under a contract awarded after**
20 **receiving bids.**
21 **(c) If a public works project involves a structure, an**
22 **improvement, or a facility under the control of an agency, the**
23 **agency may not artificially divide the project to bring any part of**
24 **the project under this section."**
25 Page 3, line 33, strike "(b)" and insert "(c)".
26 Page 4, line 2, strike "(c)" and insert "(d)".
27 Page 6, between lines 5 and 6, begin a new paragraph and insert:
28 **"(c) If a state agency performs a public work by means of its**
29 **own workforce under IC 4-13.6-5-4, the state board of accounts**
30 **shall include the following in each examination report concerning**

1 the agency:

2 (1) An opinion concerning whether the agency has complied
3 with IC 4-13.6-5-4 for each public work performed by the
4 agency's own workforce.

5 (2) A brief description of each public work that the agency has
6 performed with its own workforce under IC 4-13.6-5-4,
7 including a calculation of the actual cost of each public work
8 under IC 4-13.6-5-4.

9 (3) An opinion concerning whether the agency has complied
10 with IC 4-13.6-5-4(c) in calculating the actual costs of a public
11 work project performed under IC 4-13.6-5-4.

12 (d) If a state educational institution performs a public work by
13 means of its own workforce under IC 5-16-1-1.5, the state board of
14 accounts shall include the following in each examination report
15 concerning the state educational institution:

16 (1) An opinion concerning whether the state educational
17 institution has complied with IC 5-16-1-1.5 for each public
18 work performed by the state educational institution's own
19 workforce.

20 (2) A brief description of each public work that the state
21 educational institution has performed with its own workforce
22 under IC 5-16-1-1.5, including a calculation of the actual cost
23 of each public work under IC 5-16-1-1.5.

24 (3) An opinion concerning whether the state educational
25 institution has complied with IC 5-16-1-1.5 in calculating the
26 actual costs of a public work project performed under
27 IC 5-16-1-1.5."

28 Page 6, line 6, delete "(c)" and insert "(e)".

29 Page 6, line 11, after "1.5." insert "(a)".

30 Page 6, between lines 19 and 20, begin a new paragraph and insert:

31 "(b) The workforce of a state educational institution may
32 perform a public work described in subsection (a) only if:

33 (1) the workforce, through demonstrated skills, training, or
34 expertise, is capable of performing the public work; and

35 (2) for a public work project under subsection (a) whose cost
36 is estimated to be more than one hundred thousand dollars
37 (\$100,000), the state educational institution shall:

38 (A) publish a notice under IC 5-3-1 that:

39 (i) describes the public work that the state educational
40 institution intends to perform with its own workforce;
41 and

42 (ii) sets forth the projected cost of each component of the
43 public work as described in subsection (a); and

44 (B) determine at a public meeting that it is in the public
45 interest to perform the public work with the state
46 educational institution's own workforce.

47 A public work project performed by a state educational

1 **institution's own workforce must be inspected and accepted as**
2 **complete in the same manner as a public work project performed**
3 **under a contract awarded after receiving bids.**

4 **(c) If a public work project involves a structure, an**
5 **improvement, or a facility under the control of a state educational**
6 **institution, the state educational institution may not artificially**
7 **divide the project to bring any part of the project under this**
8 **section."**

(Reference is to SB 441 as printed February 11, 2011.)

Senator HERSHMAN