

## SENATE BILL No. 152

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-3-19; IC 36-1-12.

**Synopsis:** Municipal and county public work projects. Provides that the workforce of a municipality or a county may perform certain public works projects if the cost of the project is estimated to be less than \$150,000.

**Effective:** July 1, 2002.

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## Hume, Wheeler

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January 7, 2002, read first time and referred to Committee on Public Policy.

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Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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# SENATE BILL No. 152



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

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

1 SECTION 1. IC 4-3-19-23 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 23. A person who  
3 believes that a department has violated IC 8-23-9, IC 8-23-11, ~~or~~  
4 IC 36-1-12-3, **or IC 36-1-12-3.1** may file a written complaint with the  
5 board. The complaint must set forth the alleged violation.

6 SECTION 2. IC 4-3-19-28 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 28. The opinion issued  
8 under section 27 of this chapter must:

9 (1) state whether the department has violated IC 8-23-9,  
10 IC 8-23-11, ~~or~~ IC 36-1-12-3, **or IC 36-1-12-3.1**; and

11 (2) be forwarded to the person who filed the complaint and the  
12 department not later than sixty (60) days after the hearing is  
13 conducted.

14 SECTION 3. IC 36-1-12-3 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) **Except as**  
16 **provided in section 3.1 of this chapter**, the board may purchase or  
17 lease materials in the manner provided in IC 5-22 and perform any



1 public work, by means of its own workforce, without awarding a  
 2 contract whenever the cost of that public work project is estimated to  
 3 be less than one hundred thousand dollars (\$100,000). Before a board  
 4 may perform any work under this section by means of its own  
 5 workforce, the political subdivision or agency must have a group of  
 6 employees on its staff who are capable of performing the construction,  
 7 maintenance, and repair applicable to that work. For purposes of this  
 8 subsection, the cost of a public work project includes the actual cost of  
 9 materials, labor, equipment, rental, a reasonable rate for use of trucks  
 10 and heavy equipment owned, and all other expenses incidental to the  
 11 performance of the project.

12 (b) When the project involves the rental of equipment with an  
 13 operator furnished by the owner, or the installation or application of  
 14 materials by the supplier of the materials, the project is considered to  
 15 be a public work project and subject to this chapter. However, an  
 16 annual contract may be awarded for equipment rental and materials to  
 17 be installed or applied during a calendar or fiscal year if the proposed  
 18 project or projects are described in the bid specifications.

19 (c) A board of aviation commissioners or an airport authority board  
 20 may purchase or lease materials in the manner provided in IC 5-22 and  
 21 perform any public work by means of its own workforce and owned or  
 22 leased equipment, in the construction, maintenance, and repair of any  
 23 airport roadway, runway, taxiway, or aircraft parking apron whenever  
 24 the cost of that public work project is estimated to be less than fifty  
 25 thousand dollars (\$50,000).

26 (d) Municipal and county hospitals must comply with this chapter  
 27 for all contracts for public work that are financed in whole or in part  
 28 with cumulative building fund revenue, as provided in section 1(c) of  
 29 this chapter. However, if the cost of the public work is estimated to be  
 30 less than fifty thousand dollars (\$50,000), as reflected in the board  
 31 minutes, the hospital board may have the public work done without  
 32 receiving bids, by purchasing the materials and performing the work by  
 33 means of its own workforce and owned or leased equipment.

34 (e) If a public works project involves a structure, an improvement,  
 35 or a facility under the control of a department (as defined in  
 36 IC 4-3-19-2(2)), the department may not artificially divide the project  
 37 to bring any part of the project under this section.

38 SECTION 4. IC 36-1-12-3.1 IS ADDED TO THE INDIANA CODE  
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 40 1, 2002]: **Sec. 3.1. (a) This section applies to a municipality or a  
 41 county.**

42 **(b) The board may purchase or lease materials in the manner**

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1 provided in IC 5-22 and perform a public work, by means of the  
2 board's own workforce, in the construction, maintenance, and  
3 repair of a highway, a street, an alley, a road, or a bridge within  
4 the jurisdiction of the municipality or county without awarding a  
5 contract if the cost of the public work project is estimated to be less  
6 than one hundred fifty thousand dollars (\$150,000).

7 (c) The workforce of a municipality or county may perform a  
8 public work described in subsection (b) only if the workforce is  
9 capable of performing the public work.

10 (d) For purposes of this section, the cost of a public work project  
11 includes:

- 12 (1) the actual cost of materials, labor, equipment, and rental
- 13 used in;
- 14 (2) a reasonable rate for trucks and heavy equipment that are
- 15 owned by the municipality or county and are used in; and
- 16 (3) other expenses incidental to;
- 17 the performance of the project.

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