

SENATE BILL No. 35

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-12-3.

Synopsis: Public work projects. Authorizes a political subdivision, a board of aviation commissioners, or a municipal or county hospital to perform a public work project by means of its own workforce, without awarding a contract, if the cost of the project is estimated to be less than \$200,000.

Effective: July 1, 2008.

Charbonneau

January 8, 2008, read first time and referred to Committee on Local Government and Elections.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 35



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 36-1-12-3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) The board may
 3 purchase or lease materials in the manner provided in IC 5-22 and
 4 perform any public work, by means of its own workforce, without
 5 awarding a contract whenever the cost of that public work project is
 6 estimated to be less than ~~one two~~ hundred thousand dollars ~~(\$100,000)~~.
 7 **(\$200,000)**. Before a board may perform any work under this section
 8 by means of its own workforce, the political subdivision or agency
 9 must have a group of employees on its staff who are capable of
 10 performing the construction, maintenance, ~~and~~ repair, **or other activity**
 11 applicable to that work. For purposes of this subsection, the cost of a
 12 public work project includes the actual cost of materials, labor,
 13 equipment, rental, a reasonable rate for use of trucks and heavy
 14 equipment owned, and all other expenses incidental to the performance
 15 of the project.

16 (b) When the project involves the rental of equipment with an
 17 operator furnished by the owner, or the installation or application of



1 materials by the supplier of the materials, the project is considered to
2 be a public work project and subject to this chapter. However, an
3 annual contract may be awarded for equipment rental and materials to
4 be installed or applied during a calendar or fiscal year if the proposed
5 project or projects are described in the bid specifications.

6 (c) A board of aviation commissioners or an airport authority board
7 may purchase or lease materials in the manner provided in IC 5-22 and
8 perform any public work by means of its own workforce and owned or
9 leased equipment, in the construction, maintenance, and repair of any
10 airport roadway, runway, taxiway, or aircraft parking apron whenever
11 the cost of that public work project is estimated to be less than **fifty two**
12 **hundred** thousand dollars ~~(\$50,000)~~; **(\$200,000)**.

13 (d) Municipal and county hospitals must comply with this chapter
14 for all contracts for public work that are financed in whole or in part
15 with cumulative building fund revenue, as provided in section 1(c) of
16 this chapter. However, if the cost of the public work is estimated to be
17 less than **fifty two hundred** thousand dollars ~~(\$50,000)~~; **(\$200,000)**, as
18 reflected in the board minutes, the hospital board may have the public
19 work done without receiving bids, by purchasing the materials and
20 performing the work by means of its own workforce and owned or
21 leased equipment.

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

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