

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