SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1002 be amended to read as follows:

Page 39, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 54. IC 8-23-1-19.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19.3. For purposes of IC 8-23-10.1, "department of workforce development" refers to the department of workforce development established by IC 22-4.1-2-1.

SECTION 55. IC 8-23-1-27.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 27.7. For purposes of IC 8-23-10.1, "labor organization" has the meaning set forth in IC 22-9-1-3(j).

SECTION 56. IC 8-23-1-42.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 42.7. For purposes of IC 8-23-10.1, "underrepresented minority" means an individual who is any of the following:

(1) American Indian or Alaska Native (an individual who has origins in any of the original peoples of North or South America, including Central America, and maintains a tribal affiliation or community attachment).

(2) Asian (an individual who has origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam).
(3) Black or African American (an individual who has origins in any of the black racial groups of Africa, including individuals who refer to themselves in terms such as Haitian or Negro).
(4) Hispanic or Latino (an individual who has origins in Cuba, Mexico, Puerto Rico, South or Central America, or other Spanish culture, regardless of race).
(5) Native Hawaiian or Other Pacific Islander (an individual who has origins in any of the original peoples of Hawaii, Guam, Samoa, or another Pacific Island).

SECTION 57. IC 8-23-10.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:
Chapter 10.1. Women and Minorities in Highway, Street, and Road Construction
Sec. 1. This chapter applies to all construction, reconstruction, improvement, maintenance, repair, and associated work on any Indiana highway, street, or road funded or awarded by the department.
Sec. 2. (a) Each contractor, subcontractor, labor organization, or other person that:
   (1) performs construction, reconstruction, improvement, maintenance, repair, or associated work on an Indiana highway, street, or road; and
   (2) participates in one (1) or more affiliated apprenticeship programs, whether or not recognized and certified by the United States Department of Labor, Bureau of Apprenticeship and Training;
shall annually submit to the department of workforce development a report containing the same information that labor organizations having recognized and certified apprenticeship programs must submit to the United States Department of Labor, Bureau of Apprenticeship and Training, including the race, gender, ethnicity, and national origin of apprentices participating in the apprenticeship programs.
(b) The report required by subsection (a) must be submitted not later than June 30 each year, beginning on June 30, 2018.
(c) A labor organization having an apprenticeship program that is recognized and certified by the United States Department of Labor, Bureau of Apprenticeship and Training, may comply with subsection (a) by submitting to the department of workforce development copies of the reports submitted by the labor organization to the United States Department of Labor, Bureau of Apprenticeship and Training.
(d) An employer or an employer association may comply with subsection (a) by submitting to the department of workforce development the required information for an affiliated...
apprenticeship program.

(e) The department of workforce development may adopt rules
under IC 4-22-2 to implement this section.

Sec. 3. (a) If the department of workforce development
determines that a contractor, subcontractor, labor organization, or
other person has failed to submit a report in violation of section 2
of this chapter, the department of workforce development shall:

(1) provide the contractor, subcontractor, labor organization
or other person with reasonable notice of the noncompliance;
and

(2) inform the contractor, subcontractor, labor organization,
or other person that the contractor, subcontractor, labor
organization, or other person has forty-five (45) days after the
date of the notice to provide the information required by
section 2 of this chapter without penalty.

(b) If the contractor, subcontractor, labor organization, or other
person does not remedy a violation of section 2 of this chapter by
the forty-fifth day, the commissioner of the department of
workforce development may, after notice and hearing, do the
following:

(1) For a first violation, the commissioner may assess a civil
penalty not to exceed one hundred dollars ($100).

(2) For a second or subsequent violation, the commissioner
may assess a civil penalty not to exceed five hundred dollars
($500).

(c) For a subsequent violation after the second violation of
section 2 of this chapter, the commissioner of the department of
workforce development shall consider the appropriate amount of
the civil penalty necessary to secure the contractor's,
subcontractor's, labor organization's, or other person's compliance
with section 2 of this chapter.

Sec. 4. By March 1 of each year, beginning in 2018, the
department of workforce development shall prepare and make
available on the department of workforce development's Internet
web site a report compiling and summarizing the demographic
trends in Indiana's highway, street, or road apprenticeship
programs with particular attention to race, gender, ethnicity, and
national origin of the apprentices in the apprenticeship programs
and based on the information submitted to the department of
workforce development under section 2 of this chapter during the
immediately preceding calendar year.

Sec. 5. (a) Each state fiscal year, beginning with the state fiscal
year that begins after June 30, 2017, the department, with
assistance from the department of workforce development, shall
prepare and make available on the department's Internet web site
a list of the highway, street, or road construction projects that are:

(1) funded in whole or in part by the state;
(2) equal to or greater than five million dollars ($5,000,000) in total value; and
(3) located not more than five (5) miles from a boundary line of:
   (A) Allen County;
   (B) Lake County;
   (C) Marion County; or
   (D) each city in Indiana with an underrepresented minority population of greater than twenty-five percent (25%).

(b) A goal is established that not less than twenty percent (20%) of the total apprenticeship hours performed by the skilled building trades on projects identified in subsection (a) are to be completed by members of underrepresented minority groups.

(c) In addition to the highway, street, and road construction projects identified in subsection (a), the commissioner may designate additional highway, street, or road projects to be included on the list prepared under subsection (a), if the local available workforce is sufficient to meet the goal established under subsection (b).

(d) The department shall designate the category to which a woman who is also a member of an underrepresented minority group is assigned for purposes of this section.

(e) For purposes of assisting the department with the implementation and administration of this section, an advisory committee is established consisting of the following nine (9) members:

   (1) Four (4) members selected by each of the following appointing one (1) individual:
      (A) The speaker of the house of representatives.
      (B) The minority leader of the house of representatives.
      (C) The president pro tempore of the senate.
      (D) The minority leader of the senate.

   (2) The commissioner, or the commissioner's designee.

   (3) Two (2) members recommended by the president of the Indiana State Building and Construction Trades Council and appointed by the governor representing labor organizations whose members perform construction, reconstruction, improvement, maintenance, repair, or associated work on Indiana highways, streets, or roads.

   (4) One (1) member recommended by Indiana Constructors, Inc., and appointed by the governor representing contractors that construct, reconstruct, improve, maintain, repair, or perform associated work on Indiana highways, streets, or roads.

   (5) One (1) member appointed by the governor representing Indiana apprenticeship programs affiliated with the building
trades unions."

Renumber all SECTIONS consecutively.
(Reference is to EHB 1002 as printed March 31, 2017.)

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Senator BREAUX