

# SENATE BILL No. 93

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-13.5-1.5-13; IC 4-13.6; IC 5-1-17-18; IC 5-16; IC 5-23; IC 5-30; IC 8-1.5-2-27; IC 8-15.5-6-2; IC 8-15.7-6-2; IC 16-22; IC 22-1-1-16; IC 22-2-2-10.5; IC 35-44.2-3; IC 35-52-5-8.1; IC 36-1; IC 36-7; IC 36-7.5; IC 36-7.6; IC 36-9-23-2.

**Synopsis:** Common construction wage. Requires any firm, individual, partnership, limited liability company, or corporation that is awarded a contract, after June 30, 2025, by the state, a political subdivision, or a municipal corporation for the construction of a public work, and any subcontractor of the construction, to pay a scale of wages that is not less than the common construction wage. Establishes a process for determining the common construction wage. Provides that a contractor or subcontractor who knowingly fails to pay the common construction wage commits a Class B misdemeanor. Provides that a public work project may not be artificially divided into two or more projects to avoid the application of the common construction wage requirements. Provides that a person who unlawfully divides a public work project commits a Class A infraction. Repeals a chapter regarding the effect of the repeal of the common construction wage statute by legislation enacted in 2015 and a chapter regarding wage scales for public works projects. Makes corresponding changes.

**Effective:** July 1, 2025.

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## Dernulc, Niemeyer

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January 8, 2025, read first time and referred to Committee on Pensions and Labor.

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First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

# SENATE BILL No. 93

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 4-13.5-1.5-13, AS AMENDED BY P.L.252-2015,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2025]: Sec. 13. **(a) An agreement or a contract under this  
4 chapter is subject to IC 5-16-7.3.**

5 ~~(a)~~ **(b)** The contractor and each subcontractor engaged in installing  
6 energy conservation measures under a guaranteed energy cost savings  
7 contract shall keep full and accurate records indicating the names,  
8 classifications, and work performed by each worker employed by the  
9 respective contractor and subcontractor in connection with the work  
10 together with an accurate record of the number of hours worked by  
11 each worker and the actual wages paid.

12 ~~(b)~~ **(c)** The payroll records required to be kept under this section  
13 must be open to inspection by an authorized representative of the  
14 commission and the department of labor.

15 SECTION 2. IC 4-13.6-2-4, AS AMENDED BY P.L.252-2015,  
16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2025]: Sec. 4. The division shall comply with this article and



1 the following statutes in the administration of public works contracts:

2 (1) IC 5-16-3.

3 (2) IC 5-16-6.

4 **(3) IC 5-16-7.3.**

5 ~~(4)~~ (4) IC 5-16-8.

6 ~~(5)~~ (5) IC 5-16-9.

7 ~~(6)~~ (6) IC 5-16-13.

8 ~~(7)~~ (7) IC 5-16-14.

9 SECTION 3. IC 4-13.6-8-8, AS AMENDED BY P.L.252-2015,  
10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2025]: Sec. 8. **(a) An agreement or a contract under this  
12 chapter is subject to IC 5-16-7.3.**

13 ~~(a)~~ **(b)** The contractor and each subcontractor engaged in installing  
14 energy conservation measures under a guaranteed energy savings  
15 contract shall keep full and accurate records indicating the names,  
16 classifications, and work performed by each worker employed by the  
17 respective contractor and subcontractor in connection with the work  
18 and an accurate record of the number of hours worked by each worker  
19 and the actual wages paid.

20 ~~(b)~~ **(c)** The payroll records required to be kept under this section  
21 must be open to inspection by an authorized representative of the  
22 department and the department of labor.

23 SECTION 4. IC 5-1-17-18, AS AMENDED BY P.L.157-2024,  
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2025]: Sec. 18. (a) Subject to subsection (h), the authority  
26 may issue bonds for the purpose of obtaining money to pay the cost of:

27 (1) acquiring real or personal property, including existing capital  
28 improvements;

29 (2) constructing, improving, reconstructing, or renovating one (1)  
30 or more capital improvements; or

31 (3) funding or refunding bonds issued under IC 36-10-8 or  
32 IC 36-10-9 or prior law.

33 (b) The bonds are payable from the lease rentals from the lease of  
34 the capital improvements for which the bonds were issued, insurance  
35 proceeds, and any other funds pledged or available.

36 (c) The bonds shall be authorized by a resolution of the board.

37 (d) The terms and form of the bonds shall either be set out in the  
38 resolution or in a form of trust indenture approved by the resolution.

39 (e) The bonds shall mature within forty (40) years.

40 (f) The board shall sell the bonds at public or private sale upon the  
41 terms determined by the board.

42 (g) All money received from any bonds issued under this chapter



1 shall be applied to the payment of the cost of the acquisition or  
 2 construction, or both, of capital improvements, or the cost of refunding  
 3 or refinancing outstanding bonds, for which the bonds are issued. The  
 4 cost may include:

- 5 (1) planning and development of the facility and all buildings,  
 6 facilities, structures, and improvements related to it;
- 7 (2) acquisition of a site and clearing and preparing the site for  
 8 construction;
- 9 (3) equipment, facilities, structures, and improvements that are  
 10 necessary or desirable to make the capital improvement suitable  
 11 for use and operations;
- 12 (4) architectural, engineering, consultant, and attorney's fees;
- 13 (5) incidental expenses in connection with the issuance and sale  
 14 of bonds;
- 15 (6) reserves for principal and interest;
- 16 (7) interest during construction;
- 17 (8) financial advisory fees;
- 18 (9) insurance during construction;
- 19 (10) municipal bond insurance, debt service reserve insurance,  
 20 letters of credit, or other credit enhancement; and
- 21 (11) in the case of refunding or refinancing, payment of the  
 22 principal of, redemption premiums (if any) for, and interest on,  
 23 the bonds being refunded or refinanced.

24 (h) The authority may not issue bonds under this chapter unless the  
 25 authority first finds that the following conditions are met:

- 26 (1) The capital improvement board and the authority have entered  
 27 into a written agreement concerning the terms of the financing of  
 28 the facility. This agreement must include the following  
 29 provisions:

- 30 (A) Notwithstanding any other law, if the capital improvement  
 31 board selected a construction manager and an architect for a  
 32 facility before May 15, 2005, the authority will contract with  
 33 that construction manager and architect and use plans as  
 34 developed by that construction manager and architect. In  
 35 addition, any other agreements entered into by the capital  
 36 improvement board or a political subdivision served by the  
 37 capital improvement board with respect to the design and  
 38 construction of the facility will be reviewed by a selection  
 39 committee formed under this section (as in effect on May 15,  
 40 2005). The selection committee is not bound by any prior  
 41 commitments of the capital improvement board or the political  
 42 subdivision, other than the general project design, and will



- 1 approve all contracts necessary for the design and construction  
2 of the facility.
- 3 (B) If before May 15, 2005, the capital improvement board  
4 acquired any land, plans, or other information necessary for  
5 the facility and the board had budgeted for these items, the  
6 capital improvement board will transfer the land, plans, or  
7 other information useful to the authority for a price not to  
8 exceed the lesser of:
- 9 (i) the actual cost to the capital improvement board; or  
10 (ii) three million five hundred thousand dollars  
11 (\$3,500,000).
- 12 (C) The capital improvement board agrees to take any legal  
13 action that the authority considers necessary to facilitate the  
14 financing of the facility, including entering into agreements  
15 during the design and construction of the facility or a sublease  
16 of a capital improvement to any state agency that is then leased  
17 by the authority to any state agency under section 26 of this  
18 chapter.
- 19 (D) The capital improvement board is prohibited from taking  
20 any other action with respect to the financing of the facility  
21 without the prior approval of the authority. The authority is not  
22 bound by the terms of any agreement entered into by the  
23 capital improvement board with respect to the financing of the  
24 facility without the prior approval of the authority.
- 25 (E) As the project financier, the Indiana finance authority (or  
26 its successor agency) and the public finance director will be  
27 responsible for selecting all investment bankers, bond counsel,  
28 trustees, and financial advisors.
- 29 (F) The capital improvement board agrees to deliver to the  
30 authority the one hundred million dollars (\$100,000,000) that  
31 is owed to the capital improvement board, the consolidated  
32 city, or Marion County, pursuant to an agreement between the  
33 National Football League franchised professional football  
34 team and the capital improvement board, the consolidated city,  
35 or Marion County. This amount shall be applied to the cost of  
36 construction for the stadium part of the facility. This amount  
37 does not have to be delivered until a lease is entered into for  
38 the stadium between the authority and the capital improvement  
39 board.
- 40 (G) The authority agrees to consult with the staff of the capital  
41 improvement board on an as needed basis during the design  
42 and construction of the facility, and the capital improvement



1 board agrees to make its staff available for this purpose.  
 2 (H) The authority, Marion County, the consolidated city, the  
 3 capital improvement board and the National Football League  
 4 franchised professional football team must commit to using  
 5 their best efforts to assist and cooperate with one another to  
 6 design and construct the facility on time and on budget.  
 7 (2) The capital improvement board and the National Football  
 8 League franchised professional football team have entered into a  
 9 lease for the stadium part of the facility that has been approved by  
 10 the authority and has a term of at least thirty (30) years.  
 11 **(3) After June 30, 2025, each contract or subcontract for the**  
 12 **construction of a facility and all buildings, facilities,**  
 13 **structures, and improvements related to that facility to be**  
 14 **financed in whole or in part through the issuance of the bonds**  
 15 **requires payment of the common construction wage required**  
 16 **by IC 5-16-7.3.**  
 17 SECTION 5. IC 5-16-7.1 IS REPEALED [EFFECTIVE JULY 1,  
 18 2025]. (Effect of Repeal of Common Construction Wage Statute (IC  
 19 5-16-7)).  
 20 SECTION 6. IC 5-16-7.2 IS REPEALED [EFFECTIVE JULY 1,  
 21 2025]. (Wage Scales for Public Works Projects).  
 22 SECTION 7. IC 5-16-7.3 IS ADDED TO THE INDIANA CODE  
 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2025]:  
 25 **Chapter 7.3. Wage Scale of Contractors' and Subcontractors'**  
 26 **Employees**  
 27 **Sec. 1. This chapter applies to a public works contract awarded**  
 28 **by a public agency after June 30, 2025.**  
 29 **Sec. 2. The following definitions apply throughout this chapter:**  
 30 **(1) "Common construction wage" means a scale of wages for**  
 31 **each class of work described in section 3(c)(1) of this chapter**  
 32 **that is not less than the common construction wage of all**  
 33 **construction wages being paid in the county where a project**  
 34 **is located, as determined by the committee described in**  
 35 **section 3(b) of this chapter after having considered the**  
 36 **following:**  
 37 **(A) Any reports with respect to wage scales submitted by**  
 38 **the Indiana State Building and Construction Trades**  
 39 **Council.**  
 40 **(B) Any reports with respect to wage scales submitted by**  
 41 **the Associated Builders and Contractors of Indiana.**  
 42 **(C) Any other information submitted by any person to the**



- 1           committee established under section 3(b) of this chapter.  
 2           (2) "State" includes any officer, board, commission, or other  
 3           agency authorized by law to award contracts for the  
 4           performance of public work on behalf of the state, except as  
 5           otherwise provided in this chapter.  
 6           (3) "Municipal corporation" includes any county, city, town,  
 7           school corporation, or any officer, board, commission, or  
 8           other agency authorized by law to award contracts for the  
 9           performance of public work on behalf of a municipal  
 10          corporation. The term also includes a redevelopment  
 11          commission established under IC 36-7-14-3.  
 12          (4) "Public work" includes any public building, highway,  
 13          street, alley, bridge, sewer, drain, improvement, or any other  
 14          work of any nature or character that is paid for out of public  
 15          funds, except as otherwise provided in this chapter.
- 16          **Sec. 3. (a) Any firm, individual, partnership, limited liability**  
 17          **company, or corporation that is awarded a contract by the state,**  
 18          **a political subdivision, or a municipal corporation for the**  
 19          **construction of a public work, and any subcontractor of the**  
 20          **construction, shall pay for each class of work described in**  
 21          **subsection (c)(1) on the project a scale of wages that is not less than**  
 22          **the common construction wage.**
- 23          **(b) For the purpose of ascertaining what the common**  
 24          **construction wage is in the county, the awarding governmental**  
 25          **agency, before advertising for the contract, shall set up a**  
 26          **committee of five (5) persons as follows:**
- 27                  **(1) One (1) person representing labor, to be named by the**  
 28                  **president of the Indiana State Building and Construction**  
 29                  **Trades Council.**
- 30                  **(2) One (1) person representing industry, to be named by the**  
 31                  **awarding agency.**
- 32                  **(3) A third member to be named by the state president of the**  
 33                  **Associated Builders and Contractors.**
- 34                  **(4) One (1) taxpayer who pays the tax that will be the funding**  
 35                  **source for the project and resides in the county where the**  
 36                  **project is located. The owner of the project shall make the**  
 37                  **appointment under this subdivision.**
- 38                  **(5) One (1) taxpayer who pays the tax that will be the funding**  
 39                  **source for the project and resides in the county where the**  
 40                  **project is located. The legislative body (as defined in**  
 41                  **IC 36-1-2-9) for the county where the project is located shall**  
 42                  **make the appointment under this subdivision.**



1 (c) As soon as appointed, the committee shall meet in the county  
2 where the project is located and determine in writing the following:

3 (1) A classification of the labor to be employed in the  
4 performance of the contract for the project, divided into the  
5 following three (3) classes:

6 (A) Skilled labor.

7 (B) Semiskilled labor.

8 (C) Unskilled labor.

9 (2) The wage per hour to be paid each of the classes.

10 The committee is not required to consider information not  
11 presented to the committee at the meeting. IC 5-14-1.5 (open door  
12 law) applies to a meeting of the committee.

13 (d) The rate of wages determined by the committee under  
14 subsection (c) applies to any contract for which the awarding  
15 government agency lets not later than three (3) months after the  
16 date the committee determines the rate of wages. The committee  
17 shall establish wages for all classifications of work that may be  
18 employed on projects subject to contracts let by the awarding  
19 agency for three (3) months after the date the committee  
20 determines the rate of wages. If an awarding agency advertises for  
21 a contract that includes classifications that are not listed on the  
22 existing wage scale, the awarding agency shall form a new  
23 committee under subsection (b) to determine the classifications and  
24 wages on the contract.

25 (e) If the awarding government agency lets for a contract later  
26 than three (3) months after the committee determines the rate of  
27 wages, the awarding government agency shall form a new  
28 committee under subsection (b) to determine a rate of wages for  
29 the contract. The rate of wages determined under this subsection  
30 applies to any contract for which the awarding government agency  
31 lets not later than three (3) months after the rate of wages is  
32 determined under this subsection.

33 (f) The rate of wages determined under subsection (c) shall not  
34 be less than the common construction wage for each of the three (3)  
35 classes of wages described in subsection (c) that are currently being  
36 paid in the county where the project is located.

37 (g) This chapter does not apply to contracts let by the Indiana  
38 department of transportation for the construction of highways,  
39 streets, and bridges. IC 8-23-9 applies to state highway projects.

40 (h) A determination under subsection (c) shall be made and filed  
41 with the awarding agency at least two (2) weeks prior to the date  
42 fixed for the letting, and a copy of the determination shall be





1 furnished upon request to any person desiring to bid on the  
2 contract. The schedule is open to the inspection of the public.

3 (i) If the committee appointed under subsection (b) fails to act  
4 and to file a determination under subsection (c) at or before the  
5 time required under subsection (h), the awarding agency shall  
6 make the determination, and its finding shall be final.

7 (j) It shall be a condition of a contract awarded under this  
8 chapter that the successful bidder and all subcontractors shall  
9 comply strictly with the determination made under this section.

10 (k) This chapter does not apply to public projects in Indiana  
11 that would otherwise be subject to this chapter that are to be paid  
12 for in whole or in part with funds granted by the federal  
13 government, unless the department of the federal government  
14 making the grant consents in writing that this chapter is applicable  
15 to the project.

16 (l) Notwithstanding any other law, this chapter applies to  
17 projects that will be:

18 (1) owned entirely; or

19 (2) leased with an option to purchase;

20 by the state or a political subdivision (as defined in IC 36-1-2-13).

21 (m) Notwithstanding any other law, this chapter does not apply  
22 to projects in which the actual construction costs are less than  
23 three hundred fifty thousand dollars (\$350,000).

24 **Sec. 4. (a)** The state or any municipal corporation of the state  
25 letting a contract for a public work shall require any contractor or  
26 subcontractor performing the public work to file a schedule of the  
27 wages to be paid to the laborers, workmen, or mechanics thereon  
28 with the state or municipal corporation. The schedule shall be filed  
29 before any work is performed on the contract or subcontract.

30 (b) The scale included in a schedule of wages filed under this  
31 section shall not be less than the scale determined under section 3  
32 of this chapter.

33 (c) Nothing in this chapter shall be construed to prevent a  
34 contractor or subcontractor from paying a higher rate of wages  
35 than those set out in the schedule of wages filed by the contractor  
36 or subcontractor under this section.

37 **Sec. 5.** A contractor or subcontractor who knowingly fails to pay  
38 the rate of wages determined under this chapter commits a Class  
39 B misdemeanor. If the contractor or subcontractor has committed  
40 a prior offense under this section, the contract on which the instant  
41 offense occurred shall be forfeited and the contractor or  
42 subcontractor may not receive any further payment on the



1 contract nor may the state or the municipal corporation making  
 2 the contract make any further payments on the contract from any  
 3 of the funds under its charge or control.

4 **Sec. 6. (a) This chapter does not apply to contractors or**  
 5 **subcontractors performing public work for Purdue University on**  
 6 **agricultural or forestry land owned or occupied by the university**  
 7 **and used by it for educational or research purposes if the cost of**  
 8 **the work is estimated to be less than fifty thousand dollars**  
 9 **(\$50,000).**

10 **(b) Except as provided in IC 5-23, this chapter does not apply to**  
 11 **a person that has entered into an operating agreement with the**  
 12 **state, a municipal corporation, or another political subdivision for**  
 13 **the management or operation of a public facility under IC 5-23.**

14 **Sec. 7. (a) A public work project may not be artificially divided**  
 15 **into two (2) or more projects to avoid the application of this**  
 16 **chapter.**

17 **(b) A bidder, quoter, or other person who is a party to a public**  
 18 **work contract who knowingly violates this section commits a Class**  
 19 **A infraction and may not be a party to, or benefit from, a public**  
 20 **work contract for two (2) years after the date of the adjudication.**

21 **(c) An officer or employee of the state or a municipal**  
 22 **corporation who knowingly violates this section commits a Class A**  
 23 **infraction.**

24 SECTION 8. IC 5-23-3-3.1 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 26 1, 2025]: **Sec. 3.1. If a governmental body enters into a BOT**  
 27 **agreement after June 30, 2025, that involves the construction of a**  
 28 **public facility with public funds under this chapter, the operator**  
 29 **or any contractor or subcontractor engaged in the construction of**  
 30 **that public facility shall pay the common construction wage as**  
 31 **determined under IC 5-16-7.3.**

32 SECTION 9. IC 5-23-4-2.1 IS ADDED TO THE INDIANA CODE  
 33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 34 1, 2025]: **Sec. 2.1. If a governmental body enters into an operating**  
 35 **agreement after June 30, 2025, that involves the construction of a**  
 36 **public facility with public funds under this chapter, the operator**  
 37 **or any contractor or subcontractor engaged in the construction of**  
 38 **that public facility shall pay the common construction wage as**  
 39 **determined under IC 5-16-7.3.**

40 SECTION 10. IC 5-30-6-4, AS AMENDED BY P.L.252-2015,  
 41 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2025]: **Sec. 4. In addition to the design criteria package, a**



- 1 request for proposals must include the following:
- 2 (1) Instructions.
- 3 (2) Proposal forms and schedules.
- 4 (3) General and special conditions.
- 5 (4) The basis for evaluation of proposals, including a description
- 6 of the selection criteria with the weight assigned to each criteria.
- 7 **(5) A determination of the common construction wage made**
- 8 **under IC 5-16-7.3.**
- 9 ~~(5)~~ **(6)** Any other instructions, documents, or information relevant
- 10 to the public project that the public agency considers relevant.

11 SECTION 11. IC 5-30-8-6.1 IS ADDED TO THE INDIANA CODE

12 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**

13 **1, 2025]: Sec. 6.1. (a) A determination under IC 5-16-7.3-3(c) for a**

14 **public project to be constructed under a design-build contract shall**

15 **be made and filed with the public agency at least two (2) weeks**

16 **before the date fixed for submission of the qualitative proposal and**

17 **the price proposal under IC 5-30-6-5.**

18 **(b) If the committee appointed under IC 5-16-7.3-3(b) fails to**

19 **act and to file a determination under IC 5-16-7.3-3(c) within the**

20 **time required by this section, the public agency shall make the**

21 **determination, and its finding shall be final.**

22 **(c) The time periods set forth in this section apply to any**

23 **construction services provided for a public project to be**

24 **constructed under a design-build contract, instead of the time**

25 **periods set forth in IC 5-16-7.3-3(h) and IC 5-16-7.3-3(i).**

26 SECTION 12. IC 8-1.5-2-27, AS AMENDED BY P.L.252-2015,

27 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

28 JULY 1, 2025]: Sec. 27. (a) A municipality may lease waterworks

29 facilities from a not-for-profit corporation, a public utility, a county, or

30 a municipality. The term of the lease may not exceed fifty (50) years.

31 The lease must provide that the municipality has an option to:

- 32 (1) renew the lease for a further term on like conditions; and
- 33 (2) purchase the waterworks facilities covered by the lease
- 34 contract with the terms and conditions of the purchase specified
- 35 in the lease.

36 (b) If the option to purchase the waterworks facilities covered by the

37 lease is exercised, the municipality, for the purpose of procuring money

38 to pay the purchase price, may issue and sell revenue bonds under other

39 laws governing the issuance and sale of waterworks revenue bonds for

40 additions and extensions to municipal waterworks.

41 (c) If the municipality has not exercised an option to purchase the

42 property covered by the lease at the expiration of the lease, and upon



1 the full discharge and performance by the municipality of its  
2 obligations under the lease contract, the property covered by the lease  
3 thereupon becomes the absolute property of the municipality, and the  
4 lessor shall execute proper instruments conveying to the municipality  
5 good and merchantable title thereto.

6 **(d) A waterworks facility leased under this section is subject to**  
7 **IC 5-16-7.3.**

8 SECTION 13. IC 8-15.5-6-2, AS AMENDED BY P.L.252-2015,  
9 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2025]: Sec. 2. (a) Unless otherwise provided by federal law  
11 or this section, the operator or any contractor or subcontractor of the  
12 operator engaged in the construction of a project is not required to  
13 comply with IC 4-13.6 or IC 5-16 concerning state public works,  
14 IC 5-17 concerning purchases of materials and supplies, or other  
15 statutes concerning procedures for procurement of public works or  
16 personal property as a condition of being awarded and performing work  
17 on the project.

18 **(b) IC 5-16-7.3 concerning the common construction wage**  
19 **applies to the operator or any contractor or subcontractor of the**  
20 **operator engaged in the construction of a project that is the subject**  
21 **of a public-private agreement entered into after June 30, 2025.**

22 SECTION 14. IC 8-15.7-6-2, AS AMENDED BY P.L.252-2015,  
23 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2025]: Sec. 2. (a) Unless otherwise provided by federal law  
25 or this section, the operator or any contractor or subcontractor of the  
26 operator engaged in the construction of a project is not required to  
27 comply with IC 4-13.6 or IC 5-16 concerning state public works,  
28 IC 5-17 concerning purchases of materials and supplies, or other  
29 statutes concerning procedures for procurement of public works or  
30 personal property as a condition of being awarded and performing work  
31 on the project.

32 **(b) IC 5-16-7.3 concerning the common construction wage**  
33 **applies to the operator or any contractor or subcontractor of the**  
34 **operator engaged in the construction of a project that is the subject**  
35 **of a public-private agreement entered into after June 30, 2025.**

36 SECTION 15. IC 16-22-6-37, AS AMENDED BY P.L.252-2015,  
37 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2025]: Sec. 37. (a) A county or the governing board of the  
39 hospital may remodel or construct an addition to a hospital building  
40 leased under this chapter.

41 (b) To provide funds for that purpose, the county may issue general  
42 obligation bonds or appropriate money from the county's general fund



1 or other funds available for that purpose if the hospital building is  
 2 owned by the county. The governing board of a hospital may use funds  
 3 available to the board if the hospital building is owned by the county.

4 **(c) A contract entered into under this chapter for a public work**  
 5 **(as defined in IC 5-16-7.3-2) is subject to IC 5-16-7.3.**

6 SECTION 16. IC 16-22-7-42, AS AMENDED BY P.L.252-2015,  
 7 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2025]: Sec. 42. (a) The governing board of the hospital may  
 9 remodel or construct an addition to a hospital building leased by the  
 10 hospital under this chapter.

11 (b) To provide funds for that purpose, the county may issue general  
 12 obligation aid bonds or the city hospital or city may appropriate money  
 13 from the city hospital's or city's general fund or other funds available  
 14 for that purpose if the hospital building is owned by the city hospital or  
 15 city. The governing board of the hospital may use any funds available  
 16 to the board if the hospital building is owned by the city.

17 **(c) A contract entered into under this chapter for a public work**  
 18 **(as defined in IC 5-16-7.3-2) is subject to IC 5-16-7.3.**

19 SECTION 17. IC 22-1-1-16, AS AMENDED BY P.L.252-2015,  
 20 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2025]: Sec. 16. The commissioner of labor and the  
 22 commissioner's authorized representative shall have the power and the  
 23 authority to enter any place of employment for the purpose of  
 24 collecting facts and statistics relating to the employment of workers and  
 25 of making inspections for the proper enforcement of all of the labor  
 26 laws of Indiana, **including IC 5-16-7.3**. An employer or owner may not  
 27 refuse to admit the commissioner of labor or the commissioner's  
 28 authorized representatives to the employer's or owner's place of  
 29 employment.

30 SECTION 18. IC 22-2-2-10.5, AS AMENDED BY P.L.144-2016,  
 31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2025]: Sec. 10.5. (a) As used in this section, "unit" has the  
 33 meaning set forth in IC 36-1-2-23.

34 (b) Unless federal or state law provides otherwise, a unit may not:  
 35 (1) establish;  
 36 (2) mandate; or  
 37 (3) otherwise require;

38 a minimum wage that exceeds the minimum wage required by section  
 39 4 of this chapter or by the federal minimum hourly wage prescribed by  
 40 29 U.S.C. 206(a)(1).

41 (c) ~~Except as provided in IC 5-16-7.2,~~ This section does not limit  
 42 the authority of a unit to establish wage rates in a contract to which the



1 unit is a party.

2 SECTION 19. IC 35-44.2-3-4.1 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2025]: **Sec. 4.1. A person who commits a**  
5 **wage scale violation in a state public works contract is subject to**  
6 **criminal prosecution under IC 5-16-7.3-5.**

7 SECTION 20. IC 35-44.2-3-5.1 IS ADDED TO THE INDIANA  
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2025]: **Sec. 5.1. A person who unlawfully**  
10 **divides a public works project is subject to a civil action for an**  
11 **infraction under IC 5-16-7.3-7.**

12 SECTION 21. IC 35-52-5-8.1 IS ADDED TO THE INDIANA  
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2025]: **Sec. 8.1. IC 5-16-7.3-5 defines a crime**  
15 **concerning wage rate of contractors' and subcontractors'**  
16 **employees.**

17 SECTION 22. IC 36-1-12-15, AS AMENDED BY P.L.252-2015,  
18 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2025]: Sec. 15. (a) A contract by the board for public work  
20 must conform to:

- 21 **(1) the wage scale provisions of IC 5-16-7.3; and**  
22 **(2) IC 5-16-13.**

23 (b) A contract by the board for public work must conform with the  
24 antidiscrimination provisions of IC 5-16-6. The board may consider a  
25 violation of IC 5-16-6 a material breach of the contract, as provided in  
26 IC 22-9-1-10.

27 SECTION 23. IC 36-1-12.5-5, AS AMENDED BY P.L.152-2021,  
28 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29 JULY 1, 2025]: Sec. 5. (a) The governing body may enter into an  
30 agreement with a public utility to participate in a utility efficiency  
31 program or enter into a guaranteed savings contract with a qualified  
32 provider to increase the political subdivision's billable revenues or  
33 reduce the school corporation's or the political subdivision's energy or  
34 water consumption, wastewater usage costs, or operating costs if, after  
35 review of the report described in section 6 of this chapter, the  
36 governing body finds:

- 37 (1) in the case of conservation measures other than those that are  
38 part of a project related to the alteration of a water or wastewater  
39 structure or system, that the amount the governing body would  
40 spend on the conservation measures under the contract and that  
41 are recommended in the report is not likely to exceed the amount  
42 to be saved in energy consumption costs and other operating costs



1 over twenty (20) years from the date of installation if the  
2 recommendations in the report were followed;

3 (2) in the case of conservation measures that are part of a project  
4 related to the alteration of a water or wastewater structure or  
5 system, that the amount the governing body would spend on the  
6 conservation measures under the contract and that are  
7 recommended in the report is not likely to exceed the amount of  
8 increased billable revenues or the amount to be saved in energy  
9 and water consumption costs, wastewater usage costs, and other  
10 operating costs over twenty (20) years from the date of  
11 installation if the recommendations in the report were followed;  
12 and

13 (3) in the case of a guaranteed savings contract, the qualified  
14 provider provides a written guarantee as described in subsection  
15 (d)(3).

16 (b) Before entering into an agreement to participate in a utility  
17 efficiency program or a guaranteed savings contract under this section,  
18 the governing body must publish notice under subsection (c)  
19 indicating:

20 (1) that the governing body is requesting public utilities or  
21 qualified providers to propose conservation measures through:

22 (A) a utility efficiency program; or

23 (B) a guaranteed savings contract; and

24 (2) the date, the time, and the place where proposals must be  
25 received.

26 (c) The notice required by subsection (b) must be published two (2)  
27 times with at least one (1) week between publications:

28 (1) with each publication of notice in accordance with IC 5-3-1-1  
29 in two (2) newspapers of general circulation in the county where  
30 the school corporation or the political subdivision is located; or

31 (2) with the first publication of notice in the newspapers  
32 described in subdivision (1) and the second publication of notice:

33 (A) in accordance with IC 5-3-5; and

34 (B) on the official ~~web site~~ **website** of the school corporation  
35 or the political subdivision.

36 The second publication must be made at least thirty (30) days before  
37 the date by which proposals must be received.

38 (d) An agreement to participate in a utility efficiency program or  
39 guaranteed savings contract under this section must provide that:

40 (1) in the case of conservation measures other than those that are  
41 part of a project related to the alteration of a water or wastewater  
42 structure or system, all payments, except obligations upon the



1 termination of the agreement or contract before the agreement or  
 2 contract expires, may be made to the public utility or qualified  
 3 provider (whichever applies) in installments, not to exceed the  
 4 lesser of twenty (20) years or the average life of the conservation  
 5 measures installed from the date of final installation;  
 6 (2) in the case of conservation measures that are part of a project  
 7 related to the alteration of a water or wastewater structure or  
 8 system, all payments, except obligations upon the termination of  
 9 the agreement or contract before the agreement or contract  
 10 expires, may be made to the public utility or qualified provider  
 11 (whichever applies) in installments, not to exceed the lesser of  
 12 twenty (20) years or the average life of the conservation measures  
 13 installed from the date of final installation;  
 14 (3) in the case of the guaranteed savings contract:  
 15 (A) the:  
 16 (i) savings in energy and water consumption costs,  
 17 wastewater usage costs, and other operating costs; and  
 18 (ii) increase in billable revenues;  
 19 due to the conservation measures are guaranteed to cover the  
 20 costs of the payments for the measures; and  
 21 (B) the qualified provider will reimburse the school  
 22 corporation or political subdivision for the difference between  
 23 the guaranteed savings and the actual savings; and  
 24 (4) payments are subject to annual appropriation by the fiscal  
 25 body of the school corporation or political subdivision and do not  
 26 constitute an indebtedness of the school corporation or political  
 27 subdivision within the meaning of a constitutional or statutory  
 28 debt limitation.

29 **(e) An agreement or a contract under this chapter is subject to**  
 30 **IC 5-16-7.3.**

31 SECTION 24. IC 36-7-12-20, AS AMENDED BY P.L.252-2015,  
 32 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2025]: Sec. 20. (a) All tax revenues coming into possession  
 34 of the economic development commission shall be deposited, held, and  
 35 secured in accordance with the statutes relating to the handling and  
 36 investing of public funds. The handling and expenditure of this money  
 37 is subject to audit and supervision by the state board of accounts.

38 (b) Contracts for construction and equipment of economic  
 39 development or pollution control facilities need not be let in  
 40 accordance with IC 5-16, IC 5-17, or any other statute relating to public  
 41 contracts. **However, the construction of waterworks facilities**  
 42 **financed for the public purpose of providing reliable water service**





1 **is subject to IC 5-16-7.3.**

2 (c) Any employee of the economic development commission  
3 authorized to receive, disburse, or in any other way handle money or  
4 negotiable securities of the commission shall execute a bond payable  
5 to the state, with surety to consist of a surety or guaranty corporation  
6 qualified to do business in the state. The bond must be in an amount  
7 determined by the commission, and must be conditioned upon the  
8 employee's faithful performance of the employee's duties and the  
9 accounting for all monies and property that may come into the  
10 employee's hands or under the employee's control. The cost of these  
11 bonds shall be paid by the commission.

12 SECTION 25. IC 36-7-14-12.5 IS ADDED TO THE INDIANA  
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2025]: **Sec. 12.5. IC 5-16-7.3 applies to:**

15 **(1) a person that enters into a contract with a redevelopment**  
16 **commission to perform construction work referred to in**  
17 **section 12.2(a)(4), 12.2(a)(7), 12.2(a)(21), or 12.2(a)(22) of this**  
18 **chapter; and**

19 **(2) a subcontractor of a person described in subdivision (1);**  
20 **with respect to the construction work referred to in subdivision (1).**

21 SECTION 26. IC 36-7.5-2-8, AS AMENDED BY P.L.10-2019,  
22 SECTION 136, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2025]: Sec. 8. (a) Except as provided in  
24 subsection (c), the development authority must comply with  
25 **IC 5-16-7.3 (common construction wage)**, IC 5-22 (public  
26 purchasing), IC 36-1-12 (public work projects), and any applicable  
27 federal bidding statutes and regulations. An eligible political  
28 subdivision that receives a loan, a grant, or other financial assistance  
29 from the development authority or enters into a lease with the  
30 development authority must comply with applicable federal, state, and  
31 local public purchasing and bidding law and regulations. However, a  
32 purchasing agency (as defined in IC 5-22-2-25) of an eligible political  
33 subdivision may:

34 (1) assign or sell a lease for property to the development  
35 authority; or

36 (2) enter into a lease for property with the development authority;  
37 at any price and under any other terms and conditions as may be  
38 determined by the eligible political subdivision and the development  
39 authority. However, before making an assignment or sale of a lease or  
40 entering into a lease under this section that would otherwise be subject  
41 to IC 5-22, the eligible political subdivision or its purchasing agent  
42 must obtain or cause to be obtained a purchase price for the property



1 to be subject to the lease from the lowest responsible and responsive  
2 bidder in accordance with the requirements for the purchase of supplies  
3 under IC 5-22.

4 (b) In addition to the provisions of subsection (a), with respect to  
5 projects undertaken by the authority, the authority shall set a goal for  
6 participation by minority business enterprises of fifteen percent (15%)  
7 and women's business enterprises of five percent (5%), consistent with  
8 the goals of delivering the project on time and within the budgeted  
9 amount and, insofar as possible, using Indiana businesses for  
10 employees, goods, and services. In fulfilling the goal, the authority  
11 shall take into account historical precedents in the same market.

12 (c) As an alternative to IC 36-1-12, the development authority may  
13 utilize and may comply with:

14 (1) IC 5-16;

15 (2) IC 5-23;

16 (3) IC 5-30;

17 (4) IC 5-32; or

18 (5) any combination of the articles listed in subdivisions (1)  
19 through (4) as determined by the development authority as  
20 appropriate;

21 when acquiring, financing, and constructing a public work that is a  
22 development project (as defined in IC 36-7.5-4.5-5).

23 (d) The development authority may:

24 (1) contract with;

25 (2) assign to; or

26 (3) delegate to;

27 a commuter transportation district to perform any duties and exercise  
28 any powers of the development authority under this chapter.

29 SECTION 27. IC 36-7.5-4-3, AS AMENDED BY P.L.189-2018,  
30 SECTION 174, IS AMENDED TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 2025]: Sec. 3. (a) **Subject to subsection (h)**,  
32 the development authority may issue bonds for the purpose of obtaining  
33 money to pay the cost of:

34 (1) acquiring real or personal property, including existing capital  
35 improvements;

36 (2) acquiring, constructing, improving, reconstructing, or  
37 renovating one (1) or more projects; or

38 (3) funding or refunding bonds issued under this chapter or  
39 IC 8-5-15, IC 8-22-3, or IC 36-9-3 or prior law.

40 (b) The bonds are payable solely from:

41 (1) the lease rentals from the lease of the projects for which the  
42 bonds were issued, insurance proceeds, and any other funds



- 1 pledged or available; and  
 2 (2) except as otherwise provided by law, revenue received by the  
 3 development authority and amounts deposited in the development  
 4 authority revenue fund.
- 5 (c) The bonds shall be authorized by a resolution of the  
 6 development board.
- 7 (d) The terms and form of the bonds shall either be set out in the  
 8 resolution or in a form of trust indenture approved by the resolution.
- 9 (e) The bonds shall mature within forty (40) years.
- 10 (f) The board shall sell the bonds only to the Indiana finance  
 11 authority established by IC 5-1.2-3 upon the terms determined by the  
 12 development board and the Indiana finance authority.
- 13 (g) All money received from any bonds issued under this chapter  
 14 shall be applied solely to the payment of the cost of acquiring,  
 15 constructing, improving, reconstructing, or renovating one (1) or more  
 16 projects, or the cost of refunding or refinancing outstanding bonds, for  
 17 which the bonds are issued. The cost may include:
- 18 (1) planning and development of equipment or a facility and all
  - 19 buildings, facilities, structures, equipment, and improvements
  - 20 related to the facility;
  - 21 (2) acquisition of a site and clearing and preparing the site for
  - 22 construction;
  - 23 (3) equipment, facilities, structures, and improvements that are
  - 24 necessary or desirable to make the project suitable for use and
  - 25 operations;
  - 26 (4) architectural, engineering, consultant, and attorney's fees;
  - 27 (5) incidental expenses in connection with the issuance and sale
  - 28 of bonds;
  - 29 (6) reserves for principal and interest;
  - 30 (7) interest during construction;
  - 31 (8) financial advisory fees;
  - 32 (9) insurance during construction;
  - 33 (10) municipal bond insurance, debt service reserve insurance,
  - 34 letters of credit, or other credit enhancement; and
  - 35 (11) in the case of refunding or refinancing, payment of the
  - 36 principal of, redemption premiums (if any) for, and interest on,
  - 37 the bonds being refunded or refinanced.
- 38 **(h) After June 30, 2025, the development authority may not**  
 39 **issue bonds under this article unless the development authority**  
 40 **first finds that each contract for the construction of a facility and**  
 41 **all buildings, facilities, structures, and improvements related to**  
 42 **that facility to be financed in whole or in part through the issuance**



1 **of the bonds requires payment of the common construction wage**  
 2 **required by IC 5-16-7.3.**

3 SECTION 28. IC 36-7.6-2-13, AS AMENDED BY P.L.252-2015,  
 4 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2025]: Sec. 13. (a) A development authority shall comply with  
 6 **IC 5-16-7.3 (common construction wage)**, IC 5-22 (public  
 7 purchasing), IC 36-1-12 (public work projects), and any applicable  
 8 federal bidding statutes and regulations. An eligible political  
 9 subdivision that receives a loan, a grant, or other financial assistance  
 10 from a development authority or enters into a lease with a development  
 11 authority must comply with applicable federal, state, and local public  
 12 purchasing and bidding laws and regulations. However, a purchasing  
 13 agency (as defined in IC 5-22-2-25) of an eligible political subdivision  
 14 may:

15 (1) assign or sell a lease for property to a development authority;  
 16 or

17 (2) enter into a lease for property with a development authority;  
 18 at any price and under any other terms and conditions as may be  
 19 determined by the eligible political subdivision and the development  
 20 authority. However, before making an assignment or a sale of a lease  
 21 or entering into a lease under this section that would otherwise be  
 22 subject to IC 5-22, the eligible political subdivision or its purchasing  
 23 agent must obtain or cause to be obtained a purchase price for the  
 24 property to be subject to the lease from the lowest responsible and  
 25 responsive bidder in accordance with the requirements for the purchase  
 26 of supplies under IC 5-22.

27 (b) In addition to the provisions of subsection (a), with respect to  
 28 projects undertaken by a development authority, the development  
 29 authority shall set a goal for participation by minority business  
 30 enterprises and women's business enterprises. The goals must be  
 31 consistent with:

32 (1) the participation goals established by the counties and  
 33 municipalities that are members of the development authority;  
 34 and

35 (2) the goals of delivering the project on time and within the  
 36 budgeted amount and, insofar as possible, using Indiana  
 37 businesses for employees, goods, and services.

38 SECTION 29. IC 36-7.6-4-3, AS AMENDED BY P.L.178-2015,  
 39 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2025]: Sec. 3. (a) **Subject to subsection (i)**, a development  
 41 authority may issue bonds for the purpose of obtaining money to pay  
 42 the cost of:



- 1 (1) acquiring real or personal property, including existing capital  
 2 improvements;
- 3 (2) acquiring, constructing, improving, reconstructing, or  
 4 renovating one (1) or more projects; or
- 5 (3) funding or refunding bonds issued under this chapter,  
 6 IC 8-5-15, IC 8-22-3, IC 36-9-3, or prior law.
- 7 (b) The bonds are payable solely from:
- 8 (1) the lease rentals from the lease of the projects for which the  
 9 bonds were issued, insurance proceeds, and any other funds  
 10 pledged or available; and
- 11 (2) except as otherwise provided by law, revenue received by the  
 12 development authority and amounts deposited in the development  
 13 authority fund.
- 14 (c) The bonds must be authorized by a resolution of the  
 15 development board of the development authority that issues the bonds.
- 16 (d) The terms and form of the bonds must either be set out in the  
 17 resolution or in a form of trust indenture approved by the resolution.
- 18 (e) The bonds must mature within forty (40) years.
- 19 (f) A development board shall sell the bonds only to the Indiana  
 20 bond bank established by IC 5-1.5-2-1 upon the terms determined by  
 21 the development board and the Indiana bond bank.
- 22 (g) All money received from any bonds issued under this chapter  
 23 shall be applied solely to the payment of the cost of acquiring,  
 24 constructing, improving, reconstructing, or renovating one (1) or more  
 25 projects, or the cost of refunding or refinancing outstanding bonds, for  
 26 which the bonds are issued. The cost may include:
- 27 (1) planning and development of equipment or a facility and all  
 28 buildings, facilities, structures, equipment, and improvements  
 29 related to the facility;
- 30 (2) acquisition of a site and clearing and preparing the site for  
 31 construction;
- 32 (3) equipment, facilities, structures, and improvements that are  
 33 necessary or desirable to make the project suitable for use and  
 34 operations;
- 35 (4) architectural, engineering, consultant, and attorney's fees;
- 36 (5) incidental expenses in connection with the issuance and sale  
 37 of bonds;
- 38 (6) reserves for principal and interest;
- 39 (7) interest during construction;
- 40 (8) financial advisory fees;
- 41 (9) insurance during construction;
- 42 (10) municipal bond insurance, debt service reserve insurance,



- 1 letters of credit, or other credit enhancement; and  
 2 (11) in the case of refunding or refinancing, payment of the  
 3 principal of, redemption premiums (if any) for, and interest on the  
 4 bonds being refunded or refinanced.
- 5 (h) A development authority may not issue bonds under this article  
 6 or otherwise finance debt unless:
- 7 (1) the development authority enters into an interlocal agreement  
 8 with each member that is committing funds to a project to be  
 9 supported by the bonds; and  
 10 (2) the fiscal body of each member that is committing funds to the  
 11 project to be supported by the bonds approves the agreement  
 12 described in subdivision (1) by ordinance.
- 13 **(i) After June 30, 2025, a development authority may not issue**  
 14 **bonds under this article unless the development authority first**  
 15 **finds that each contract for the construction of a facility and all**  
 16 **buildings, facilities, structures, and improvements related to that**  
 17 **facility to be financed in whole or in part through the issuance of**  
 18 **the bonds requires payment of the common construction wage**  
 19 **required by IC 5-16-7.3.**
- 20 SECTION 30. IC 36-9-23-2, AS AMENDED BY P.L.252-2015,  
 21 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2025]: Sec. 2. A municipality may:
- 23 (1) acquire, construct, improve, operate, and maintain sewage  
 24 works under this chapter;  
 25 (2) acquire, by gift, grant, purchase, condemnation, or otherwise,  
 26 all lands, rights-of-way, and other property that are necessary for  
 27 the sewage works;  
 28 (3) issue revenue bonds to pay the cost of acquiring, constructing,  
 29 and improving the sewage works and property; and  
 30 (4) lease sewage works from a person, an entity, a corporation, a  
 31 public utility, or a unit for a term not to exceed fifty (50) years.  
 32 **A sewage works leased under this section is subject to IC 5-16-7.3.**

