

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1157 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-16-7-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Any firm,
- 5 individual, partnership, limited liability company, or corporation that
- 6 is awarded a contract by the state, a political subdivision, or a
- 7 municipal corporation for the construction of a public work, and any
- 8 subcontractor of the construction, shall pay for each class of work
- 9 described in subsection (c)(1) on the project a scale of wages that may
- 10 not be less than the common construction wage.
- 11 (b) For the purpose of ascertaining what the common construction
- 12 wage is in the county, the awarding governmental agency, before
- 13 advertising for the contract, shall set up a committee of five (5) persons
- 14 as follows:
- 15 (1) One (1) person representing labor, to be named by the
- 16 president of the state federation of labor.
- 17 (2) One (1) person representing industry, to be named by the
- 18 awarding agency.
- 19 (3) A third member to be named by the governor.
- 20 (4) One (1) taxpayer who pays the tax that will be the funding
- 21 source for the project and resides in the county where the project
- 22 is located. The owner of the project shall make the appointment
- 23 under this subdivision.
- 24 (5) One (1) taxpayer who pays the tax that will be the funding

1 source for the project and resides in the county where the project
2 is located. The legislative body (as defined in IC 36-1-2-9) for the
3 county where the project is located shall make the appointment
4 under this subdivision.

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

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

10 (A) Skilled labor.

11 (B) Semiskilled labor.

12 (C) Unskilled labor.

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

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

17 (d) The rate of wages determined under subsection (c) shall not be
18 less than the common construction wage for each of the three (3)
19 classes of wages described in subsection (c) that are currently being
20 paid in the county where the project is located.

21 (e) The provisions of this chapter shall not apply to contracts let by
22 the Indiana department of transportation for the construction of
23 highways, streets, and bridges. IC 8-23-9 applies to state highway
24 projects.

25 (f) A determination under subsection (c) shall be made and filed
26 with the awarding agency at least two (2) weeks prior to the date fixed
27 for the letting, and a copy of the determination shall be furnished upon
28 request to any person desiring to bid on the contract. The schedule is
29 open to the inspection of the public.

30 (g) If the committee appointed under subsection (b) fails to act and
31 to file a determination under subsection (c) at or before the time
32 required under subsection (f), the awarding agency shall make the
33 determination, and its finding shall be final.

34 (h) It shall be a condition of a contract awarded under this chapter
35 that the successful bidder and all subcontractors shall comply strictly
36 with the determination made under this section.

37 (i) The provisions of this chapter do not apply to public projects in
38 this state that would otherwise be subject to the provisions of this
39 chapter that are to be paid for in whole or in part with funds granted by
40 the federal government, unless the department of the federal
41 government making the grant shall consent in writing that the
42 provisions of this chapter are applicable to the project.

43 (j) Notwithstanding any other law, the provisions of this chapter
44 apply to projects that will be:

45 (1) owned entirely; or

46 (2) leased with an option to purchase;

- 1 by the state or a political subdivision (as defined in IC 36-1-2-13).
- 2 (k) Notwithstanding any other law, this chapter does not apply to
- 3 projects in which the actual construction costs less than ~~one five~~
- 4 hundred ~~fifty~~ thousand dollars (~~\$150,000~~). **(\$500,000)**."
- 5 Renumber all SECTIONS consecutively.
(Reference is to HB 1157 as printed February 7, 2007.)

Representative Bell