

Adopted	Rejected
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MINORITY COMMITTEE REPORT

MR. SPEAKER:

*A minority of your Committee on Employment, Labor and Pensions, which met on January 10, 2012, to consider House Bill 1001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-16-7-1, AS AMENDED BY P.L.195-2011,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 1. (a) Any firm, individual, partnership,
- 5 limited liability company, or corporation that is awarded a contract by
- 6 the state, a political subdivision, or a municipal corporation for the
- 7 construction of a public work, and any subcontractor of the
- 8 construction, shall pay for each class of work described in subsection
- 9 (c)(1) on the project a scale of wages that may not be less than the
- 10 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

1 advertising for the contract, shall set up a committee of five (5) persons
2 as follows:

3 (1) One (1) person representing labor, to be named by the
4 president of the state federation of labor.

5 (2) One (1) person representing industry, to be named by the
6 awarding agency.

7 (3) A third member to be named by the ~~state president of the~~
8 ~~Associated Builders and Contractors.~~ **governor.**

9 (4) One (1) taxpayer who pays the tax that will be the funding
10 source for the project and resides in the county where the project
11 is located. The owner of the project shall make the appointment
12 under this subdivision.

13 (5) One (1) taxpayer who pays the tax that will be the funding
14 source for the project and resides in the county where the project
15 is located. The legislative body (as defined in IC 36-1-2-9) for the
16 county where the project is located shall make the appointment
17 under this subdivision.

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

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

23 (A) Skilled labor.

24 (B) Semiskilled labor.

25 (C) Unskilled labor.

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

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

30 (d) The rate of wages determined by the committee under subsection
31 (c) applies to any contract for which the awarding government agency
32 lets not later than three (3) months after the date the committee
33 determines the rate of wages. The committee shall establish wages for
34 all classifications of work that may be employed on projects subject to
35 contracts let by the awarding agency for three (3) months after the date
36 the committee determines the rate of wages. If an awarding agency
37 advertises for a contract that includes classifications that are not listed

1 on the existing wage scale, the awarding agency shall form a new
2 committee under subsection (b) to determine the classifications and
3 wages on the contract.

4 (e) If the awarding government agency lets for a contract later than
5 three (3) months after the committee determines the rate of wages, the
6 awarding government agency shall form a new committee under
7 subsection (b) to determine a rate of wages for the contract. The rate of
8 wages determined under this subsection applies to any contract for
9 which the awarding government agency lets not later than three (3)
10 months after the rate of wages is determined under this subsection.

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

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

18 (h) A determination under subsection (c) shall be made and filed
19 with the awarding agency at least two (2) weeks prior to the date fixed
20 for the letting, and a copy of the determination shall be furnished upon
21 request to any person desiring to bid on the contract. The schedule is
22 open to the inspection of the public.

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

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

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

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

37 (1) owned entirely; or

1 (2) leased with an option to purchase;
 2 by the state or a political subdivision (as defined in IC 36-1-2-13).

3 (m) Notwithstanding any other law, this chapter does not apply to
 4 projects in which the actual construction costs are less than ~~the~~
 5 ~~following~~:

6 ~~(1) For contracts awarded after December 31, 2011, and before~~
 7 ~~January 1, 2013, two hundred fifty thousand dollars (\$250,000):~~

8 ~~(2) For contracts awarded after December 31, 2012, three hundred~~
 9 ~~fifty thousand dollars (\$350,000):~~

10 **one hundred fifty thousand dollars (\$150,000).**

11 SECTION 2. IC 5-16-7-4, AS AMENDED BY P.L.195-2011,
 12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 4. The following definitions apply throughout
 14 this chapter:

15 (1) "Common construction wage" means a scale of wages for each
 16 class of work described in section 1(c)(1) of this chapter that is
 17 not less than the common construction wage of all construction
 18 wages being paid in the county where a project is located, as
 19 determined by the committee described in section 1(b) of this
 20 chapter after having considered ~~the following~~:

21 ~~(A) Any reports with respect to wage scales submitted by the~~
 22 ~~Indiana State Building and Construction Trades Council:~~

23 ~~(B) Any reports with respect to wage scales submitted by the~~
 24 ~~Associated Builders and Contractors of Indiana:~~

25 ~~(C) Any other any~~ information submitted by any person to the
 26 committee established under section 1(b) of this chapter.

27 (2) "State" includes any officer, board, commission, or other
 28 agency authorized by law to award contracts for the performance
 29 of public work on behalf of the state, except as otherwise
 30 provided in this chapter.

31 (3) "Municipal corporation" includes any county, city, town,
 32 school corporation, or any officer, board, commission, or other
 33 agency authorized by law to award contracts for the performance
 34 of public work on behalf of a municipal corporation. The term
 35 also includes a redevelopment commission established under
 36 IC 36-7-14-3.

37 (4) "Public work" includes any public building, highway, street,

1 alley, bridge, sewer, drain, improvement, or any other work of any
2 nature or character that is paid for out of public funds, except as
3 otherwise provided in this chapter.

4 **SECTION 3. An emergency is declared for this act.**

(Reference is to HB 1001 as introduced.)

and when so amended that said bill do pass.

Representative Moseley