



# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1019 be amended to read as follows:

- 1 Page 1, delete lines 1 through 13.
- 2 Page 2, line 5, reset in roman "(3) IC 5-16-7,".
- 3 Page 2, line 5, after "IC 5-16-7" delete "," and insert ".".
- 4 Page 2, line 7, reset in roman "(4)".
- 5 Page 2, line 7, delete "(3)".
- 6 Page 2, line 8, reset in roman "(5)".
- 7 Page 2, line 8, delete "(4)".
- 8 Page 2, line 9, delete "(5)" and insert "(6)".
- 9 Page 2, line 10, delete "(6)" and insert "(7)".
- 10 Page 4, delete lines 7 through 42.
- 11 Delete pages 5 through 7.
- 12 Page 8, delete lines 1 through 11.
- 13 Page 9, delete lines 4 through 42, begin a new paragraph and insert:
- 14 "SECTION 5. IC 5-16-7-1, AS AMENDED BY P.L.195-2011,
- 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2015]: Sec. 1. (a) Any firm, individual, partnership, limited
- 17 liability company, or corporation that is awarded a contract by the state,
- 18 a political subdivision, or a municipal corporation for the construction
- 19 of a public work, and any subcontractor of the construction, shall pay
- 20 for each class of work described in subsection (c)(1) on the project a
- 21 scale of wages that may not be less than the common construction
- 22 wage.
- 23 (b) For the purpose of ascertaining what the common construction
- 24 wage is in the county, the awarding governmental agency, before
- 25 advertising for the contract, shall set up a committee of five (5) persons
- 26 as follows:

- 1 (1) One (1) person representing labor, to be named by the  
2 president of the state federation of labor.
- 3 (2) One (1) person representing industry, to be named by the  
4 awarding agency.
- 5 (3) A third member to be named by the state president of the  
6 Associated Builders and Contractors.
- 7 (4) One (1) taxpayer who pays the tax that will be the funding  
8 source for the project and resides in the county where the project  
9 is located. The owner of the project shall make the appointment  
10 under this subdivision.
- 11 (5) One (1) taxpayer who pays the tax that will be the funding  
12 source for the project and resides in the county where the project  
13 is located. The legislative body (as defined in IC 36-1-2-9) for the  
14 county where the project is located shall make the appointment  
15 under this subdivision.
- 16 (c) As soon as appointed, the committee shall meet in the county  
17 where the project is located and determine in writing the following:
- 18 (1) A classification of the labor to be employed in the  
19 performance of the contract for the project, divided into the  
20 following three (3) classes:
- 21 (A) Skilled labor.  
22 (B) Semiskilled labor.  
23 (C) Unskilled labor.
- 24 (2) The wage per hour to be paid each of the classes.
- 25 The committee is not required to consider information not presented to  
26 the committee at the meeting. IC 5-14-1.5 (open door law) applies to  
27 a meeting of the committee.
- 28 (d) The rate of wages determined by the committee under subsection  
29 (c) applies to any contract for which the awarding government agency  
30 lets not later than three (3) months after the date the committee  
31 determines the rate of wages. The committee shall establish wages for  
32 all classifications of work that may be employed on projects subject to  
33 contracts let by the awarding agency for three (3) months after the date  
34 the committee determines the rate of wages. If an awarding agency  
35 advertises for a contract that includes classifications that are not listed  
36 on the existing wage scale, the awarding agency shall form a new  
37 committee under subsection (b) to determine the classifications and  
38 wages on the contract.
- 39 (e) If the awarding government agency lets for a contract later than  
40 three (3) months after the committee determines the rate of wages, the  
41 awarding government agency shall form a new committee under  
42 subsection (b) to determine a rate of wages for the contract. The rate of  
43 wages determined under this subsection applies to any contract for  
44 which the awarding government agency lets not later than three (3)  
45 months after the rate of wages is determined under this subsection.
- 46 (f) The rate of wages determined under subsection (c) shall not be

1 less than the common construction wage for each of the three (3)  
 2 classes of wages described in subsection (c) that are currently being  
 3 paid in the county where the project is located.

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

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

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

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

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

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

- 26 (1) owned entirely; or
- 27 (2) leased with an option to purchase;

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

29 (m) Notwithstanding any other law, this chapter does not apply to  
 30 projects in which the actual construction costs are less than the  
 31 following:

- 32 (1) For contracts awarded after December 31, 2011, and before  
 33 January 1, 2013, two hundred fifty thousand dollars (\$250,000).
- 34 (2) For contracts awarded after December 31, 2012, three hundred  
 35 fifty thousand dollars (\$350,000).

36 **(n) This section expires July 1, 2015.**

37 SECTION 6. IC 5-16-7-1.5 IS ADDED TO THE INDIANA CODE  
 38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 39 1, 2015]: **Sec. 1.5. (a) This section applies after June 30, 2015, to a  
 40 public works contract awarded by the state, a political subdivision,  
 41 or a municipal corporation for the construction of a public work.**

42 **(b) At the request of an awarding governmental agency, the  
 43 department shall determine the following for a contract awarded  
 44 for the construction of a public work:**

- 45 **(1) A classification of the labor to be employed in the  
 46 performance of the contract for the project, divided into the**

1 following three (3) classes:

2 (A) Skilled labor.

3 (B) Semiskilled labor.

4 (C) Unskilled labor.

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

6 (c) In making a determination under subsection (b), the  
7 department shall determine the wage per hour based on a  
8 combination of:

9 (1) contractor supplied information; and

10 (2) Davis-Bacon Act (40 U.S.C. 3141 et seq.) wage rates.

11 (d) As a condition of a contract awarded under this chapter, a  
12 firm, individual, partnership, limited liability company, or  
13 corporation that is awarded a contract by the state, a political  
14 subdivision, or a municipal corporation for the construction of a  
15 public work, and any subcontractor of the construction, shall pay  
16 for each class of work described in subsection (b)(1) on the project  
17 a scale of wages determined by the department under this section.

18 SECTION 7. IC 5-16-7-4, AS AMENDED BY P.L.195-2011,  
19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2015]: Sec. 4. The following definitions apply throughout this  
21 chapter:

22 (1) "Common construction wage" means a scale of wages for each  
23 class of work described in section 1(c)(1) of this chapter that is  
24 not less than the common construction wage of all construction  
25 wages being paid in the county where a project is located, as  
26 determined by the committee described in section 1(b) of this  
27 chapter after having considered the following:

28 (A) Any reports with respect to wage scales submitted by the  
29 Indiana State Building and Construction Trades Council.

30 (B) Any reports with respect to wage scales submitted by the  
31 Associated Builders and Contractors of Indiana.

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

34 (1) "Department" refers to the department of labor created  
35 by IC 22-1-1-1.

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

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

46 (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 8. IC 5-16-7-5 IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2015]: Sec. 5. **(a) Notwithstanding any other**
- 6 **law, this chapter applies to projects that will be:**
- 7 **(1) owned entirely; or**
- 8 **(2) leased with an option to purchase;**
- 9 **by the state or a political subdivision (as defined in IC 36-1-2-13).**
- 10 **(b) This chapter does not apply to the following:**
- 11 **(1) Contracts let by the Indiana department of transportation**
- 12 **for the construction of highways, streets, and bridges.**
- 13 **IC 8-23-9 applies to state highway projects.**
- 14 **(2) Public projects in Indiana that would otherwise be subject**
- 15 **to this chapter that are to be paid for in whole or in part with**
- 16 **funds granted by the federal government, unless the**
- 17 **department of the federal government making the grant**
- 18 **consents in writing that this chapter is applicable to the**
- 19 **project.**
- 20 **(3) (a) This chapter does not apply to Contractors or**
- 21 **subcontractors performing public work for Purdue University on**
- 22 **agricultural or forestry land owned or occupied by the university**
- 23 **and used by it for educational or research purposes if the cost of**
- 24 **the work is estimated to be less than fifty thousand dollars**
- 25 **(\$50,000).**
- 26 **(4) (b) Except as provided in IC 5-23, this chapter does not apply**
- 27 **to a person that has entered into an operating agreement with the**
- 28 **state, a municipal corporation, or another political subdivision for**
- 29 **the management or operation of a public facility under IC 5-23.**
- 30 **(5) Projects in which the actual construction costs are less**
- 31 **than three hundred fifty thousand dollars (\$350,000)."**
- 32 Page 10, delete lines 1 through 7.
- 33 Page 15, delete lines 10 through 42.
- 34 Page 16, delete lines 1 through 6.
- 35 Page 16, delete lines 16 through 42.
- 36 Delete page 17.
- 37 Page 18, delete lines 1 through 24.
- 38 Page 18, line 31, after "Indiana" delete "." and insert ", **including**
- 39 **IC 5-16-7."**
- 40 Page 22, delete lines 26 through 35.
- 41 Page 24, line 21, reset in roman "IC 5-16-7".
- 42 Page 24, line 21, after "IC 5-16-7" delete "." and insert "**and**".

- 1 Page 24, delete lines 26 through 42.
- 2 Delete pages 25 through 31.
- 3 Renumber all SECTIONS consecutively.  
(Reference is to EHB 1019 as printed April 8, 2015.)

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Senator TALLIAN