



January 25, 2001

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## HOUSE BILL No. 1512

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DIGEST OF HB 1512 (Updated January 23, 2001 1:15 PM - DI 96)

**Citations Affected:** IC 5-16.

**Synopsis:** Classification for common construction wage. Provides that the common construction wage committee in a county shall determine, among other items, a classification of the labor to be employed in the performance of a public work, divided where applicable into two skill levels, consisting of skilled labor (including journeymen) and apprentice labor. Provides a definition of apprentice. Makes conforming amendments.

**Effective:** July 1, 2001.

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### Liggett

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January 11, 2001, read first time and referred to Committee on Labor and Employment.  
January 24, 2001, reported — Do Pass.

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HB 1512—LS 7583/DI 96+



January 25, 2001

First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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## HOUSE BILL No. 1512

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A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

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

- 1 SECTION 1. IC 5-16-7-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Any firm, individual,  
3 partnership, limited liability company, or corporation that is awarded  
4 a contract by the state, a political subdivision, or a municipal  
5 corporation for the construction of a public work, and any  
6 subcontractor of the construction, shall pay for each ~~class level~~ of work  
7 described in subsection (c)(1) on the project a scale of wages that may  
8 not be less than the common construction wage.  
9 (b) For the purpose of ascertaining what the common construction  
10 wage is in the county, the awarding governmental agency, before  
11 advertising for the contract, shall set up a committee of five (5) persons  
12 as follows:  
13 (1) One (1) person representing labor, to be named by the  
14 president of the state federation of labor.  
15 (2) One (1) person representing industry, to be named by the  
16 awarding agency.  
17 (3) A third member to be named by the governor.

HB 1512—LS 7583/DI 96+



- 1 (4) One (1) taxpayer who pays the tax that will be the funding  
 2 source for the project and resides in the county where the project  
 3 is located. The owner of the project shall make the appointment  
 4 under this subdivision.
- 5 (5) One (1) taxpayer who pays the tax that will be the funding  
 6 source for the project and resides in the county where the project  
 7 is located. The legislative body (as defined in IC 36-1-2-9) for the  
 8 county where the project is located shall make the appointment  
 9 under this subdivision.
- 10 (c) As soon as appointed, the committee shall meet in the county  
 11 where the project is located and determine in writing the following:
- 12 (1) A classification of the labor to be employed in the  
 13 performance of the contract for the project, divided, **where**  
 14 **applicable**, into the following ~~three (3)~~ **classes: two (2) skill**  
 15 **levels:**
- 16 (A) Skilled labor, **including journeymen.**
- 17 (B) ~~Semiskilled labor.~~ **Apprentice labor.**
- 18 (C) ~~Unskilled labor.~~
- 19 (2) The wage per hour to be paid each of the ~~classes:~~ **skill levels.**  
 20 The committee is not required to consider information not presented to  
 21 the committee at the meeting. IC 5-14-1.5 (open door law) applies to  
 22 a meeting of the committee.
- 23 (d) The rate of wages determined under subsection (c) shall not be  
 24 less than the common construction wage for each of the ~~three (3)~~  
 25 ~~classes of wages~~ **two (2) skill levels** described in subsection (c) that are  
 26 currently being paid in the county where the project is located.
- 27 (e) The provisions of this chapter shall not apply to contracts let by  
 28 the Indiana department of transportation for the construction of  
 29 highways, streets, and bridges. IC 8-23-9 applies to state highway  
 30 projects.
- 31 (f) A determination under subsection (c) shall be made and filed  
 32 with the awarding agency at least two (2) weeks prior to the date fixed  
 33 for the letting, and a copy of the determination shall be furnished upon  
 34 request to any person desiring to bid on the contract. The schedule is  
 35 open to the inspection of the public.
- 36 (g) If the committee appointed under subsection (b) fails to act and  
 37 to file a determination under subsection (c) at or before the time  
 38 required under subsection (f), the awarding agency shall make the  
 39 determination, and its finding shall be final.
- 40 (h) It shall be a condition of a contract awarded under this chapter  
 41 that the successful bidder and all subcontractors shall comply strictly  
 42 with the determination made under this section.



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1 (i) The provisions of this chapter do not apply to public projects in  
 2 this state that would otherwise be subject to the provisions of this  
 3 chapter that are to be paid for in whole or in part with funds granted by  
 4 the federal government, unless the department of the federal  
 5 government making the grant shall consent in writing that the  
 6 provisions of this chapter are applicable to the project.

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

9 (1) owned entirely; or

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

12 (k) Notwithstanding any other law, this chapter does not apply to  
 13 projects in which the actual construction costs less than one hundred  
 14 fifty thousand dollars (\$150,000).

15 SECTION 2. IC 5-16-7-4 IS AMENDED TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2001]: Sec. 4. The definitions in this section  
 17 apply throughout this chapter:

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

24 (A) reports from the department of workforce development;  
 25 and

26 (B) any other information submitted by any person to the  
 27 committee established under section 1(b) of this chapter.

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

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

38 (4) "Public work" includes any public building, highway, street,  
 39 alley, bridge, sewer, drain, improvement, or any other work of any  
 40 nature or character whatsoever which is paid for out of public  
 41 funds, excepting as otherwise provided in this chapter.

42 (5) "Apprentice" means a person:

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**(A) employed and registered in a bona fide apprenticeship program registered with the United States Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training; or**  
**(B) employed in the first ninety (90) days of probationary employment as an apprentice in an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training as eligible for probationary employment as an apprentice.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1512, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LIGGETT, Chair

Committee Vote: yeas 8, nays 5.

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