

# HB3068



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3068

by Rep. Mike Bost

### SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

from Ch. 48, par. 39s-2

Amends the Prevailing Wage Act. Provides that the Act applies to projects for the construction or maintenance of roads or structures financed in whole or in part with funds received from the Illinois Department of Transportation regardless of who performs the work.

LRB098 09690 JLS 39838 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing  
5 Section 2 as follows:

6 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

7 Sec. 2. This Act applies to the wages of laborers,  
8 mechanics and other workers employed in any public works, as  
9 hereinafter defined, by any public body and to anyone under  
10 contracts for public works. This includes any maintenance,  
11 repair, assembly, or disassembly work performed on equipment  
12 whether owned, leased, or rented.

13 As used in this Act, unless the context indicates  
14 otherwise:

15 "Public works" means all fixed works constructed or  
16 demolished by any public body, or paid for wholly or in part  
17 out of public funds. "Public works" as defined herein includes  
18 all projects financed in whole or in part with bonds, grants,  
19 loans, or other funds made available by or through the State or  
20 any of its political subdivisions, including but not limited  
21 to: bonds issued under the Industrial Project Revenue Bond Act  
22 (Article 11, Division 74 of the Illinois Municipal Code), the  
23 Industrial Building Revenue Bond Act, the Illinois Finance

1 Authority Act, the Illinois Sports Facilities Authority Act, or  
2 the Build Illinois Bond Act; projects for the building, repair,  
3 maintenance, or rehabilitation of roads or structures financed  
4 in whole or in part with funds received from the Department of  
5 Transportation, regardless of who performs the work; loans or  
6 other funds made available pursuant to the Build Illinois Act;  
7 or funds from the Fund for Illinois' Future under Section 6z-47  
8 of the State Finance Act, funds for school construction under  
9 Section 5 of the General Obligation Bond Act, funds authorized  
10 under Section 3 of the School Construction Bond Act, funds for  
11 school infrastructure under Section 6z-45 of the State Finance  
12 Act, and funds for transportation purposes under Section 4 of  
13 the General Obligation Bond Act. "Public works" also includes  
14 (i) all projects financed in whole or in part with funds from  
15 the Department of Commerce and Economic Opportunity under the  
16 Illinois Renewable Fuels Development Program Act for which  
17 there is no project labor agreement; (ii) all work performed  
18 pursuant to a public private agreement under the Public Private  
19 Agreements for the Illiana Expressway Act; and (iii) all  
20 projects undertaken under a public-private agreement under the  
21 Public-Private Partnerships for Transportation Act. "Public  
22 works" also includes all projects at leased facility property  
23 used for airport purposes under Section 35 of the Local  
24 Government Facility Lease Act. "Public works" also includes the  
25 construction of a new wind power facility by a business  
26 designated as a High Impact Business under Section 5.5(a) (3) (E)

1 of the Illinois Enterprise Zone Act. "Public works" does not  
2 include work done directly by any public utility company,  
3 whether or not done under public supervision or direction, or  
4 paid for wholly or in part out of public funds. "Public works"  
5 does not include projects undertaken by the owner at an  
6 owner-occupied single-family residence or at an owner-occupied  
7 unit of a multi-family residence.

8 "Construction" means all work on public works involving  
9 laborers, workers or mechanics. This includes any maintenance,  
10 repair, assembly, or disassembly work performed on equipment  
11 whether owned, leased, or rented.

12 "Locality" means the county where the physical work upon  
13 public works is performed, except (1) that if there is not  
14 available in the county a sufficient number of competent  
15 skilled laborers, workers and mechanics to construct the public  
16 works efficiently and properly, "locality" includes any other  
17 county nearest the one in which the work or construction is to  
18 be performed and from which such persons may be obtained in  
19 sufficient numbers to perform the work and (2) that, with  
20 respect to contracts for highway work with the Department of  
21 Transportation of this State, "locality" may at the discretion  
22 of the Secretary of the Department of Transportation be  
23 construed to include two or more adjacent counties from which  
24 workers may be accessible for work on such construction.

25 "Public body" means the State or any officer, board or  
26 commission of the State or any political subdivision or

1 department thereof, or any institution supported in whole or in  
2 part by public funds, and includes every county, city, town,  
3 village, township, school district, irrigation, utility,  
4 reclamation improvement or other district and every other  
5 political subdivision, district or municipality of the state  
6 whether such political subdivision, municipality or district  
7 operates under a special charter or not.

8 The terms "general prevailing rate of hourly wages",  
9 "general prevailing rate of wages" or "prevailing rate of  
10 wages" when used in this Act mean the hourly cash wages plus  
11 fringe benefits for training and apprenticeship programs  
12 approved by the U.S. Department of Labor, Bureau of  
13 Apprenticeship and Training, health and welfare, insurance,  
14 vacations and pensions paid generally, in the locality in which  
15 the work is being performed, to employees engaged in work of a  
16 similar character on public works.

17 (Source: P.A. 96-28, eff. 7-1-09; 96-58, eff. 1-1-10; 96-186,  
18 eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000, eff. 7-2-10; 97-502,  
19 eff. 8-23-11.)